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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments related thereto from 1 March to 25 June 2008.

II. Political situation

2. Since my report to the Security Council in March (S/2008/211), the ability of UNMIK to operate as before and perform its functions as an interim administration has been fundamentally challenged owing to actions taken by both the authorities in Pristina and the Kosovo Serbs. In Pristina, Kosovo's authorities have instituted measures that have sought to effectively assume the Mission's powers. Most significantly, Kosovo adopted a Constitution on 15 June that does not envisage a real role for UNMIK, although Kosovo's leaders have welcomed the continued presence of the United Nations in Kosovo for some time. Kosovo has also passed legislation in a number of fields, whose purpose is to assume legal control and responsibility over areas that were previously reserved to my Special Representative. Kosovo Serbs, on their part, have rejected the constitution and connected legislation and, with the support of Belgrade, have expanded their boycott of Kosovo's institutions and widened and deepened their parallel structures, particularly in northern Kosovo. Kosovo Serbs have also, on occasion, resorted to violent means to express their opposition to Kosovo's authorities.

3. As I noted in my special report on Kosovo, which I submitted to the Security Council on 20 June (S/2008/354), it is my assessment that these events have contributed to creating a profoundly new reality in which UNMIK can no longer perform as effectively as in the past the vast majority of its tasks as an interim administration. In that report, I also informed the Security Council that, in the light of recent developments in Kosovo, I intended to adjust operational aspects of the international civil presence and reconfigure UNMIK in order to allow for the European Union to take on an increasing role in the rule of law sector, operating

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under resolution 1244 (1999) and under a "United Nations umbrella", headed by my Special Representative. In conjunction with this reconfiguration, I also informed the Council that my Special Representative, Lamberto Zannier, would engage in dialogue with Belgrade in six key areas of practical mutual concern as set out in my letter to President Tadić (S/2008/354, annex I): police, courts, customs, transportation and infrastructure, boundaries and Serbian patrimony. The dialogue would be brought forward in close consultation with the authorities in Pristina and with key stakeholders. Following the meeting of the Security Council on 20 June, and in the light of the fact that the Security Council is unable to provide guidance, I have instructed my Special Representative to move forward with the reconfiguration of UNMIK as set out in my special report, in order to adapt UNMIK to a changed reality and address current and emerging operational requirements in Kosovo.

4. Following the 17 February declaration of independence by the Kosovo Assembly, the authorities in Pristina have taken a number of steps to assert their authority in Kosovo. On 9 April, the Kosovo Assembly adopted the "Constitution of the Republic of Kosovo", which came into force on 15 June, along with a package of laws covering decentralization and borders, and authorizing the creation of a Kosovo Foreign Ministry and Intelligence Service. The constitution makes no mention of any role or function of the United Nations and does not contain a reference to resolution 1244 (1999). The Kosovo authorities have, however, welcomed the continued presence of the United Nations in Kosovo. They have committed themselves to implementing in full the Comprehensive Proposal for the Kosovo Status Settlement prepared by my then Special Envoy for the Kosovo Future Status Process, Martti Ahtisaari, and conveyed to the Security Council on 26 March 2007 (S/2007/168/Add.1). In addition to the adoption of the constitution and connected legislation, on 10 June the Kosovo Assembly adopted a national anthem and on 17 June the Kosovo Government authorized the establishment of nine "embassies" in Member States that have recognized the declaration of independence. On the ground, there have been several instances where Kosovo authorities have openly challenged the authority of UNMIK, in particular with regard to the application of property and vehicular traffic law.

5. Kosovo Serbs have continued to strongly oppose the declaration of independence and have manifested this through continued protests, some of which have turned violent. Kosovo Serb political leaders, and the authorities in Belgrade, have also declared their opposition to the deployment of a European Union rule of law mission in Kosovo Serb-majority areas, and have stressed that they will cooperate only with UNMIK. A small number of Kosovo Serb political representatives, including the two Kosovo Serb government ministers, as well as some Kosovo Police Service (KPS) and Kosovo Correctional Service officers, have returned to work in Kosovo structures at the central and municipal levels. However, the Kosovo Serb boycott of Kosovo's institutions has been expanded, and their attempts to entrench parallel structures have continued, with the support of Belgrade. The Government of Serbia has attempted to assert its authority in Kosovo Serb-majority areas in Kosovo, particularly in northern Kosovo, through the operation of Serbian railways and courts there. Belgrade has also instructed Kosovo Serbs to stop working for Kosovo's institutions and to renounce their salaries in order to receive payments from Serbia directly. This has affected, most significantly, Kosovo Serbs working for the KPS in southern Kosovo, as well as Kosovo Correctional Service staff, judges and court staff from courts north of the Iber/Ibar

River. On 22 May, 48 Kosovo Serb UNMIK customs staff resigned from their posts. In response, Kosovo authorities have implemented a policy of suspension with pay for Kosovo Serbs who are boycotting Kosovo institutions, even though some of these Kosovo Serbs continue to receive salaries from Belgrade.

6. During the reporting period, President Tadić, Prime Minister Koštunica, Vice-President of the Serb Radical Party Nikolić, and other senior Serbian officials visited Kosovo Serb-majority areas in Kosovo. Many of those visits were carried out in the context of campaigning for Serbian parliamentary and local municipal elections held on 11 May and took place without incident. The elections were organized by the Serbian Electoral Commission in 23 out of 30 municipalities in Kosovo where Kosovo Serbs live. UNMIK neither hindered nor supported the elections, and declared the results of the local municipal elections invalid. Following these elections, Serbian officials and Kosovo Serb leaders started to establish parallel municipal government structures in accordance with Serbian law. Some Kosovo Serb leaders, in particular those from Kosovo Serb-majority municipalities in northern Kosovo, have also expressed their intention to set up a Kosovo Serb Assembly, and have been supported by the Serbian Ministry for Kosovo and Metohija. On 18 June, executive decisions appointing municipal representatives on an interim basis in five Kosovo Serb-dominant municipalities — which were enacted to ensure continued local government political representation following the Kosovo Serb boycott of local elections in November 2007 — expired. In the three Kosovo Serb-majority municipalities in northern Kosovo — Leposaviq/Leposavić, Zveçan/Zvečan and Zubin Potok — these positions are currently being filled by Kosovo Serbs who base their legitimacy on the results of the 11 May Serbian elections, and no incidents have been reported. However, in other areas of Kosovo, such as in the municipality of Shtërpcë/Štrpce and in the village of Graçanicë/Gračanica (Pristina region), this has led to political confrontation with existing municipal and local governance structures, as well as with representatives of other communities living in these areas.

III. Security

7. While the general security situation remains calm on the surface, Pristina's declaration of independence and the entry into force of the Kosovo constitution, and reactions by Kosovo Serbs and Belgrade have increased tension between the Kosovo Albanian and Kosovo Serb communities. On 14 March, the UNMIK courthouse in northern Mitrovicë/Mitrovica was forcefully seized by Kosovo Serb judicial employees protesting and asking to be reinstated in their positions. On 17 March, an UNMIK police operation, supported by KFOR, re-established UNMIK control over the court. However, during the operation, UNMIK police and KFOR came under attack by the protesters and a violent confrontation ensued, which resulted in the tragic death of an international police officer from Ukraine, and in the wounding of 64 UNMIK police officers, 24 KFOR soldiers and several Kosovo Serb protesters. Thirty-two protesters were temporarily detained, but released later in the day. The incident led to a 36-hour withdrawal of UNMIK police from northern Mitrovicë/Mitrovica, leaving KFOR as first responder during the interim period. On 19 March, UNMIK police resumed normal policing duties in the area. Calm was restored in northern Mitrovicë/Mitrovica, where peaceful demonstrations resumed in front of the courthouse. Police investigations into these criminal acts are ongoing.

An independent investigation into the events in and around the operation to regain control of the Mitrovica courthouse was conducted at my request by Francis Ssekandi. The results of that inquiry have been submitted to me and are under review.

8. The availability of large quantities of illicit arms in Kosovo during this sensitive period is cause for significant concern. On 27 April, KPS and KFOR carried out an operation that led to the discovery of a major weapons cache near Zhegër/Žegra (Gjilan/Gnjilane region), close to the border with the former Yugoslav Republic of Macedonia. Police found a large amount of arms and ammunition hidden in two vehicles with Kosovo number plates, including two anti-aircraft guns, and numerous rocket grenade launchers, machine guns and rifles. Four Kosovo Albanian males were arrested on arms-trafficking charges in connection with that raid. Two days earlier, police had confiscated several kilograms of explosives and an automatic rifle in northern Mitrovicë/Mitrovica; three Kosovo Serbs were arrested in connection with that seizure. Three weeks later, on 19 May, several kilograms of explosives and 3,500 rounds of ammunition were seized and a Kosovo Albanian was arrested near Kaçanik/Kačanik.

IV. Rule of law

9. Since the declaration of independence, the Municipal and Minor Offences Courts in the Kosovo Serb-majority municipality of Leposaviq/Leposavić have functioned as part of the court system of the Republic of Serbia. The Municipal and Minor Offences Courts in Zubin Potok are currently closed. Court staff has been instructed by Belgrade to resign and close their bank accounts with the Kosovo Judicial Council, while the Court Liaison Offices of the Kosovo Ministry of Justice, which facilitate access to justice for Kosovo Serbs, have ceased most of their official operations owing to security concerns. The Kosovo Judicial Council and the Kosovo Ministry of Justice continue to pay salaries to all court staff, and to all Court Liaison Offices and prosecutors' office staff, pending their return to work. UNMIK representatives have met with representatives of Kosovo Serb judges and prosecutors, who have, however, continued their protests in northern Mitrovicë/Mitrovica.

10. Normal police operations have continued with some notable successes. In the period between 16 March and 20 May, KPS officers from the Directorate of Organized Crime seized significant amounts of illegal drugs. Those seizures were the result of extensive investigative work and show the continued development of the KPS in the fight against organized crime. On 7 May, a suspect was arrested in an outstanding case related to the March 2004 riots and charged with participation, as a leader, in a crowd that committed a criminal offence against Kosovo Serb residents, Serbian Orthodox religious sites and UNMIK headquarters in Prizren. The number of defendants convicted in cases prosecuted by international prosecutors in relation to the March 2004 riots remains at 35. Local prosecutors have brought criminal charges against over 300 people for offences related to the March 2004 riots, resulting in convictions of 145 people in Municipal and District Courts; 21 cases remain unsolved. In the Minor Offences Courts, 157 persons have been charged, resulting in convictions of 116 persons, and no more cases remain unsolved.

V. Economy

11. I have been informed that as of 30 June, the European Commission will end funding for operations of the economic reconstruction pillar of UNMIK (pillar IV) and that, as a result, pillar IV will cease all substantive operations. In paragraph 9 of my special report (S/2008/354), I brought to the attention of the Security Council my concern that that decision left UNMIK without the technical capacity or budgetary allocation to replace experts funded by the European Commission or to perform functions currently carried out by pillar IV, where that may be required. Pillar IV had been an integral component of UNMIK since its inception and I wish to extend my appreciation to the European Commission for its support in that crucial sector over the past nine years. UNMIK has taken the necessary legislative measure to ensure that trust funds of the Kosovo Trust Agency will continue to remain under its authority in the form of UNMIK executive decision 2008/26, which prohibits any transfer of such funds without UNMIK involvement. That measure will protect the Kosovo Trust Agency trust funds even in the face of possible challenges to the authority of the Kosovo Trust Agency over such funds or over socially owned enterprises in general. UNMIK will not, however, be in a position to take enforcement actions on that legislative measure, should that become necessary.

12. Kosovo has become increasingly integrated into the regional economy, although it continues to experience difficulties owing to the contested nature of its status. UNMIK, in cooperation with the Ministry of Trade and Industry, was fully involved in the initial steps of the implementation of the new Central European Free Trade Agreement. However, the recent decision of the Government of Serbia to challenge and not implement the customs regime established along the Administrative Boundary Line with Kosovo, despite its written commitment to do so, may cause significant difficulties for relations between the signatories.

13. Owing to a lack of customs controls at the Administrative Boundary Line, a significant amount of goods destined for local markets are not being declared, and smuggling through unapproved crossing points has increased. The situation is leading to losses in Kosovo's budget revenue due to the non-declarations to customs and increased smuggling of key commodities, especially fuel, by organized criminal elements. Moreover, the smuggling of expired food represents a significant threat to public health.

14. An International Monetary Fund (IMF) mission visited Kosovo in April to assess the macroeconomic framework and fiscal policies. The IMF recently revised upwards the Kosovo gross domestic product (GDP) figures, which are now estimated at €3,343 million (€1,573 per capita) in 2007, and forecast a real GDP growth of about 5 per cent per annum over a five-year period. The Government of Kosovo is preparing for a donor conference scheduled to take place in Brussels on 11 July. In preparation for the event, Kosovo's medium-term expenditure framework is currently being updated with new policy priorities and a public investment programme.

15. Audit reports on the Kosovo budget have revealed many weaknesses and inefficiencies in the management of public money. The implementation of public investment projects remains weak, as demonstrated by substantial underspending of capital. There are deficiencies in the administration of taxes, which have to be tackled to improve the business climate, without eroding the budget revenue base.

VI. Governance

16. Almost all municipalities have made significant progress in implementing Regulation 2007/30, which amends Regulation 2000/45 on Self-Government of Municipalities in Kosovo, expanding the role of local authorities and changing some of their personnel and financial administration structures. New Kosovo municipal administrations have consolidated their activities by taking measures to foster transparency and accountability, including opening the meetings of their Board of Directors to the public, establishing committees to review the status of illegal constructions and the usurpation of municipal property, as well as establishing municipal Human Rights Units. Six of the units are now operational in the municipalities of Podujevë/Podujevo, Fushë Kosovë/Kosovo Polje, Vushtrri/Vučitrn, Novobërdë/Novo Brdo, Klinë/Klina and Malishevë/Mališevo. All units will have a minimum of three officers, with the unit coordinator being the Gender Officer of each municipality.

VII. Cultural and religious heritage

17. Work on reconstruction of cultural and religious heritage has continued on residual projects from 2007, six of which were completed during the reporting period with another three expected to be concluded by the end of June 2008. In order to accommodate Serbian Orthodox Church and Serbian Government concerns, UNMIK has agreed to lead the Kosovo representation on the Reconstruction Implementation Committee, in agreement with the Kosovo authorities. The first meeting in 2008 of that Committee was held on 6 June with the participation of UNMIK, the Kosovo Ministry of Culture, Youth and Sports and the Serbian Orthodox Church, chaired by the Council of Europe. Participants were informed about the reconstruction activities that have taken place during the first five months of 2008 and about the preparation of new project proposals.

18. In order to address a long-standing dispute over land surrounding the Visoki Dečani Monastery, my Special Representative issued two executive decisions, by which he ordered that the cadastral records for that land — which appeared to have been amended in 2001 without due process of law — should be corrected, without prejudice to ongoing judicial proceedings. On 3 June, the municipal authorities of Deçan/Dečani issued a statement rejecting the implementation of the executive decisions, claiming that they legalized "forceful decisions" taken by Serbia during the Milošević regime in the 1990s. On 12 June, the UNMIK Municipal Representative in Deçan/Dečani was attacked by unknown assailants as he entered his residence and suffered light injuries. That attack followed threats made by a local leader of the War Veterans Association Kosovo against the Deputy Municipal Representative two weeks earlier. On 16 June, my Special Representative wrote to Bishop Teodosije of the Serbian Orthodox Church and the Mayor of Deçan/Dečani stating that, even if the Municipality refused to change the cadastre records, the executive decisions had the force of law and effectively altered the cadastre records accordingly.

19. The Ministry of Culture, Youth and Sports finalized drafts of seven subsidiary laws required for the implementation of the Cultural Heritage Law promulgated in November 2006. The draft laws are expected to be issued by June 2008. During the reporting period, KPS carried out 12 arrests and recorded a total of 27 incidents

against various religious or cultural sites, including 14 petty thefts and 10 acts of vandalism, with one taking place at an archaeological site.

VIII. Standards and European integration

20. As previously reported, the standards programme was incorporated into Kosovo's European Partnership programme in 2006, and as such continues to be the focus of a sustained effort on the part of Kosovo's institutions and strong engagement and support on the part of the international community. Details of developments in fields covered by the standards during the reporting period are set out in the technical assessment of standards implementation contained in annex I to the present report. Work continued on a new European Partnership Action Plan agreed with the European Union and published on 13 February 2008, which builds on the findings of the 2007 European Commission progress reports on Serbia and on Kosovo under resolution 1244 (1999).

21. I note that at the request of my Special Representative, the Office of Internal Oversight Services conducted a comprehensive and independent audit from June to August 2007 to assess the UNMIK overall performance of its mandate, with a view to identifying lessons learned and best practices in the areas of rule of law, civil administration and reconstruction and development. Subsequently, the Office of Internal Oversight Services submitted its report on the comprehensive audit of the UNMIK mandate implementation to the General Assembly on 18 April 2008 (A/62/807). That report identified a number of failures and deficiencies in the implementation of the mandate in those areas. My Special Representative raised concerns that in his view the report did not reflect a balanced assessment of the UNMIK performance throughout the course of its nine years in Kosovo. Taking into account the evolving circumstances on the ground, my Special Representative will continue to monitor existing gaps in the standards implementation and assist the local authorities in implementing the standards in order to fulfil the UNMIK mandate under resolution 1244 (1999).

IX. Human rights and humanitarian issues

22. The Prime Minister's Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender is finalizing the latest draft of the Human Rights Strategy and Action Plan. It includes inputs from all ministries' Human Rights Units, and will be a key Kosovo-wide policy and operational framework for implementation and coordination of human rights activities in all sectors for the coming three years. Following the establishment of Human Rights Units in line ministries, similar units have been established in 23, or approximately 70 per cent, of all municipalities.

23. The Human Rights Advisory Panel is now fully operational. The secondment of an expert from the European Court of Human Rights has boosted its technical capacity for human rights legal research, analysis and drafting. An electronic case management system has been set up, strengthening operational capacity. To promote public awareness of its mandate, it has embarked on an information campaign that includes meetings with non-governmental organizations and civil society groups, dissemination of information brochures, and running a public service announcement

on local Kosovo and Serbian television. Of the 26 cases it has received so far, the Panel has now issued decisions on admissibility in 9 cases, with 6 being declared admissible and 3 inadmissible. The cases deal, inter alia, with property rights, right to life, freedom of expression and administration of justice. Certain cases still raise issues concerning the effectiveness of legal remedies available to the complainants under the legal system in Kosovo as it currently stands. The Assembly of Kosovo is in the process of selecting candidates for the position of Ombudsperson, but there are serious concerns that the selection process has become highly politicized.

24. UNMIK has pursued an increasing engagement with civil society in collaboration with United Nations agencies, funds and programmes in Kosovo. The objective is to strengthen inter-agency mechanisms that will support the Kosovo government in both development efforts and response to emergencies by promoting efficient information-sharing and improved coordination. It is expected that a good flow of information will lead to coherent executive-level decision-making on humanitarian and development issues and will contribute to the promotion of peace and security. To that end, UNMIK is now hosting a monthly Inter-Agency Meeting, including major non-governmental organizations and the International Red Cross and Red Crescent Movement.

X. Returns

25. Between January and May 2008, 215 displaced persons, including 49 Kosovo Serbs and 108 Roma, Ashkali and Egyptians, returned to Kosovo, which shows a downward trend that can be attributed to the recent political developments, including the declaration of independence by Kosovo. The boycott by Kosovo Serb representatives of various decision-making forums on returns, namely the Municipal Working Groups and Task Forces, has affected the work and quality of decisions on communities and returns-related issues and activities. For example, the Municipal Returns Strategies in a number of municipalities have not yet been finalized and adopted. Further obstacles to returns include the lack of funding and the absence of dialogue and cooperation between the authorities in Pristina and Belgrade, as well as a lack of economic opportunities and occupation of property.

26. Outreach visits by Kosovo's leaders to the Kosovo Serbian communities, including by President Sejdiu and Prime Minister Thaci, have continued to take place. However, it was only at the insistence of UNMIK that those activities were included, at a late stage, in Kosovo's medium-term expenditure framework, which forms the basis for a donor conference expected to take place in July. That points to the need for strengthened efforts by the Kosovo Government to promote and implement returns and reintegration of minorities. The arrest of a Kosovo Serb internally displaced person visiting Kosovo from Serbia on 12 March for alleged war crimes, which took place after the declaration of independence of Kosovo, and an attack against a Kosovo Serb returnee on 21 May also seriously hampered return-related activities, including "go-and-see visits". Despite concerns among the Kosovo Serb community over the more strict implementation by Kosovo Police Service officers of the rules and procedures regarding vehicle registration plates, vehicle insurance and drivers' licences, the Kosovo Police Service has reported that freedom of movement for Kosovo Serbs has been at its required level.

27. Although the Ministry of Communities and Returns generally cooperates with the international community, it still faces challenges in undertaking returns and community development projects, as well as in addressing policy issues. Lack of sufficient transparency and disregard of rules and procedures hamper the functionality of the ministry and result in a lack of confidence in the institutions among members of the Kosovo Serb and other minority communities. The Ministry of Communities and Returns has approved the concept paper for the Llapje Sellë/Laplje Selo (Pristina region) return project costing €2 million, the first to be approved by Ministry of Communities and Returns in 2008, which will relocate internally displaced persons to a location other than their place of origin, with the construction of three apartment blocks to house 60 displaced and vulnerable families, or approximately 200 people.

28. The Serbian Government-funded Badovci i Ri/Novi Badovac return project in Graçanicë/Gračanica (Pristina region) has stalled after the municipality failed to grant land for the project. The project envisions building housing for 70 Kosovo Serb internally displaced person families originally from other areas in Kosovo and is covered by the Protocol of Cooperation on returns signed by Pristina, Belgrade and UNMIK on 6 June 2006, which allows the return of individuals to locations in Kosovo other than their place of origin. There has been increasing Kosovo Albanian political opposition to the Protocol and its application in the case of groups of Kosovo Serb returnees, including questioning the validity of Kosovo's signature on the document. This is a worrying development that could have implications for similar returns projects.

XI. Observations

29. The United Nations has maintained a position of strict neutrality on the question of Kosovo's status. However, since Kosovo's declaration of independence, UNMIK has been confronted with a substantially changed situation in Kosovo and has faced fundamental challenges to its authority and role. As I have communicated to the Security Council, in the light of these developments, it is my assessment that UNMIK can no longer perform as effectively as in the past the vast majority of its tasks as an interim administration throughout all of Kosovo.

30. Taking into account the profoundly changed reality in Kosovo, and in the interests of maintaining peace and stability in Kosovo and in the region, I have decided to move forward with the reconfiguration of the international civil presence within the framework of resolution 1244 (1999) and as set out in my special report to the Security Council. It is my view that the reconfiguration of UNMIK, which will be carried out in full accordance with resolution 1244 (1999), is in the interests of the United Nations and that its implementation will serve to safeguard UNMIK's achievements. Accordingly, I have instructed UNMIK to cooperate with the European Union, in order for it to assume an enhanced operational role in Kosovo in the area of the rule of law under the overall authority of the United Nations, in accordance with resolution 1244 (1999), and under a "United Nations umbrella" headed by my Special Representative.

31. The dialogue with Belgrade on issues of mutual concern referred to in my letter to President Tadić is of crucial importance for the efforts of the United Nations in Kosovo. My Special Representative stands ready to engage in an open,

transparent and balanced manner with the authorities in Belgrade in order to develop this dialogue, with a view to implementing practical arrangements in the six areas I have set out. He will do so in close cooperation and consultation with the authorities in Pristina and with relevant stakeholders.

32. UNMIK will continue to support Kosovo in its effort to consolidate democratic governance institutions, advance economic growth and move towards a future in Europe as part of the western Balkans. Building a society in which all communities can coexist in peace remains a difficult and long-term challenge in Kosovo. I call upon the authorities in Pristina and Belgrade and representatives of all of Kosovo's communities to continue to work together with UNMIK, and upon States members of the Council and the broader international community to support Kosovo in this effort.

33. I would like to express my appreciation and gratitude to my previous Special Representative, Joachim Rücker, as well as to my current Special Representative, Lamberto Zannier, and to the staff in UNMIK, for their dedicated efforts and commitment to move Kosovo forward during a challenging time. I would also like to extend my thanks to the United Nations partners — KFOR, the European Union, the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes and other contributors for their support.

Annex I

Technical assessment of progress in the implementation of the standards for Kosovo

Prepared by the Special Representative of the Secretary-General for Kosovo, 15 June 2008

Functioning democratic institutions

1. Four Kosovo Serb Assembly members continued their boycott of the work of the Assembly that began on 17 February. The remaining six Kosovo Serb members, who are part of the caucus of the Independent Liberal Party, ended their boycott of Assembly plenary sessions on 19 March. The two Independent Liberal Party ministers have also restarted attending the meetings of the Government on a regular basis. Eleven Kosovo Serb civil servants are working in the Assembly. Their attendance at work has not been affected by political developments. The auditing of the financial disclosure reports of the political entities that participated in the November 2007 elections continued. The Election Complaints and Appeals Commission imposed fines on 49 entities for non-submission of pre-campaign reports and on 22 entities for non-submission of campaign reports.

2. Some Kosovo Serb leaders have announced the formation of parallel municipal assemblies based on the local elections organized by Belgrade in Kosovo Serb areas on 11 May. In Shtërpcë/Štrpce and Novobërdë/Novo Brdo, the Kosovo Serb civil servants and members of the municipal assemblies continued to boycott the municipal structures. In Viti/Vitina, the Kosovo Serb staff of the Municipal Community Office first suspended cooperation with the municipality following the declaration of independence, then stopped reporting to work in late March. Despite these announcements, some Kosovo Serb civil servants have ended boycotts of their municipalities and returned to work in Lipjan/Lipljan and Fushë Kosovë/Kosovo Polje.

3. Internal audit units are functioning in all ministries, and all municipalities, with the exception of Obiliq/Obilić and Prizren, have established such units. In April, the Central Unit for the Harmonization of Internal Audit became operational. The Anti-Corruption Agency submitted its first annual report to the President of the Assembly of Kosovo on 3 March.

4. The Senior Public Appointments Committee voted recently to dismiss the permanent secretary of the Ministry of Health without affording the permanent secretary a hearing or the procedural right to object. In the case of the permanent secretary of the Ministry of Justice, however, the Senior Public Appointments Committee set up a panel to investigate the matter. The Special Representative of the Secretary-General subsequently wrote to the Prime Minister calling for greater impartiality and depoliticization of the Senior Public Appointments Committee.

5. During the reporting period, the Independent Oversight Board resolved 79 appeals, and compliance with the rulings of the Independent Oversight Board increased. Since the beginning of the year only seven decisions remained unimplemented and those have been referred to the Kosovo Assembly. However, the

Independent Oversight Board is still short of one member and lacks sufficient funds and office equipment.

6. Of the 27 concerned municipalities 22 have reported on Fair-Share Financing expenditures for the first quarter of 2008. The predominantly Kosovo Serb municipalities of Zvečan/Zveçan, Leposavić/Leposaviq, Zubin Potok, Štrpce/Shtërpcë and Novobërdë/Novo Brdo failed to submit their reports on time. The overall spending of the 22 reporting municipalities of 9.6 per cent falls below the official target of 12.5 per cent. Only the municipalities of Rahovec/Orahovac, Podujevë/Podujevo, Mitrovicë/Mitrovica and Prishtinë/Priština fulfilled their quotas. Compared to the same period of 2007, both the number of reporting municipalities and the overall level of spending show a noticeable decrease.

7. The implementation of the Law on the Use of Languages continues to suffer from insufficient allocation of human and financial resources. The Government has yet to conduct a public information campaign on the law. Only one municipality has adopted a municipal regulation on the use of languages. Of the 145 laws promulgated by the Special Representative of the Secretary-General, 95 have been published in the Official Gazette of the Provisional Institutions for Self-Government.

8. On 24 April, the Government of Kosovo approved the Kosovo programme on gender equality, which focuses on education of women, integration of women into the economy, labour and social welfare, culture and media, health, gender relations and decision-making processes. Currently, women hold 34 senior positions in the central government institutions (13.2 per cent). At the managerial level of heads of division, sector and unit, the ratio is 26 per cent women and 74 per cent men. The Office of the Prime Minister has agreed to the request of the Agency for Gender Equality to be involved in all working groups preparing draft laws for the Government.

9. The second round of the award of grants to minority, multi-ethnic and disadvantaged media is still pending. The first grants were awarded in 2006. No grants were distributed in 2007. Radio Television of Kosovo has so far transferred €176,000 to the Minority Media Fund for the year 2007. Radio Television of Kosovo is legally obliged to transfer 5 per cent of the public broadcast fee it collects to the media minority fund, although the equivalent of seven months of contributions remains to be transferred.

Challenges ahead

10. The Senior Public Appointments Committee and the Independent Oversight Board are important institutions in the development of a professional and non-partisan impartial civil service. Appropriate oversight of the Senior Public Appointments Committee should be exercised to ensure that it functions according to rules of procedure. The Independent Oversight Board should be properly staffed and resourced.

11. The Kosovo Government needs to actively raise public awareness of the Law on Languages and the Language Commission, its mandate and complaint procedure, and provide the Commission with adequate resources to enable it to function properly.

12. Additional efforts are needed to redress the backlog of unpublished legislation in the Official Gazette.

13. The Kosovo Assembly needs to approve the Kosovo programme for gender equality and provide adequate funding for its implementation.

14. The Government needs to renew its support to minority, multi-ethnic and disadvantaged media using the funding available to it from the public broadcast fee.

Rule of law

15. Crime clearance rates remained comparable for all communities.

16. On 7 May, a suspect identified as a leader of rioting in Prizren in March 2004 was arrested and charged with offences related to the burning of Kosovo Serb homes and Orthodox churches, and the throwing of stones at police buildings and UNMIK offices in Prizren.

17. On 27 May, the Kosovo Special Prosecutors Office secured a conviction against four out of five defendants for trafficking in persons, money-laundering, and facilitating prostitution. They were sentenced to five to six years of imprisonment, and fined approximately €85,000. On 14 May, a Kosovo Special Prosecutors Office indictment was confirmed against a number of suspects in a case involving the murder of a Kosovo Police Service (KPS) officer. The Special Prosecutor is currently prosecuting another case involving five Kosovo Albanian defendants charged with attempted aggravated murder and weapons offences in the attempted murder of the head of a Kosovo regulatory agency.

18. On 17 April, an international prosecutor secured a conviction against two Kosovo Albanian defendants for aggravated murder and attempted aggravated murder in the murder of one witness and the attempted murder of another in a sensitive war crimes case. The defendants were both sentenced to 25 years in prison. On 23 May, an international prosecutor secured a conviction against a Kosovo Serb for war crimes and sentenced him to eight years' imprisonment in connection with the large-scale destruction and theft of Kosovo Albanian property, intimidation, and endangering lives through the use of explosives and firearms from March through May 1999.

19. Minority representation within the KPS remained roughly constant at 15.5 per cent (9.9 per cent Kosovo Serb). Minority representation in the Kosovo Correctional Service remained at 14.2 per cent (10.3 per cent Kosovo Serb). Female representation held steady at 13.5 per cent in the KPS and 16.9 per cent in the Kosovo Correctional Service.

20. The suspension of over 300 Kosovo Serb KPS officers following their refusal to work under the recognized KPS chain of command through regional headquarters to main headquarters in Prishtinë/Priština continues to be a challenge as it has created a shortfall of officers in the Gjilan/Gnjilane and Prishtinë/Priština regions. The Government decided on 30 May to continue to pay the suspended police officers in an effort to encourage them to return to their posts. An operational plan to assist Kosovo Serb KPS officers who wish to return to work has been put in place and there are indications that a significant number of officers are considering returning; 17 have actually returned.

21. Currently, no Kosovo Albanian KPS officers are allowed in north Mitrovica owing to security concerns after incidents that occurred following the declaration of independence. Only UNMIK Police and the remaining Kosovo Serb KPS officers are responding to police calls and conducting investigations.

22. The Kosovo Correctional Service has begun the procedure to advertise vacancies for the positions currently occupied by 74 Kosovo Serb staff who have been boycotting their workplaces in the Gjilan/Gnjilane and Lipjan/Lipljan Detention Centres and Lipjan/Lipljan Prison since the declaration of independence. However, those staff members have not been dismissed, continue to receive their salaries, and remain able to return to their positions should they be willing to do so.

23. Following the declaration of independence, the judicial system in north Mitrovicë/Mitrovica stopped functioning, negatively affecting police investigations and prosecutions of criminal cases. The courts that were housed in the north Mitrovicë/Mitrovica complex have been closed since 21 February and they are now temporarily located in Vushtrri/Vučitrn, where they are handling only urgent matters.

Challenges ahead

24. Substantial efforts are needed to retain the Kosovo Serb police officers or to hire new ones in order to maintain multi-ethnicity of the KPS and ensure law and order in the minority communities.

25. A draft Regulation on Witness Protection has been elaborated and is under review.

26. The Law on Courts should be finalized. With the change of administration under the new Minister, the Ministry of Justice has significantly redrafted the law and it remains to be approved by the Office of the Prime Minister.

27. The creation of a unified department or agency for missing persons and forensics within the Ministry of Justice is foreseen in the Law on the Establishment of the Department of Forensic Medicine, which is currently being drafted.

28. The management of the Kosovo Judicial Council disciplinary system must be improved to clear the backlog of cases. There are 57 outstanding disciplinary cases before the two Kosovo Judicial Council Disciplinary Committees. Neither Committee has met since late 2007.

Freedom of movement

29. In Klinë/Klina, Istog/Istok and Pejë/Peć, Kosovo Serb returnees as well as displaced persons attended the Orthodox Easter services in Budisalc/Budisavci, Gorioč Monastery and Peć Patriarchate without any escort.

30. A Kosovo Serb returnee in Deçan/Dečani was physically assaulted by an unknown person on 21 May. The mayor of Deçan/Dečani and the KPS commander visited the victim the following day, strongly condemned the attack and promised to identify and bring the perpetrator to justice.

31. The number of passengers using the humanitarian bus service increased from 26,295 in January to 30,400 persons in April. The humanitarian bus line from Kodra e Minatorve/Mikronaselje, a Kosovo Albanian neighbourhood in northern Mitrovicë/Mitrovica, to the southern part of Mitrovicë/Mitrovica was restored on

7 April after being temporarily halted following the declaration of independence. The private minibus service that offers transport to Kosovo Albanians travelling from Leposaviq/Leposavić to southern Mitrovicë/Mitrovica also has resumed with KPS escorts after being temporarily suspended on 17 March.

32. The railway service between Zveçan/Zvečan and Fushë Kosovë/Kosovo Polje has still not resumed after it was stopped in early March when Serbian Railways began illegally operating train service in the north of Kosovo. Kosovo Serb staff have ceased to report to work in the railway service since 17 February. The current suspension of train service has negatively impacted the freedom of movement of Kosovo Serbs, especially those in Vushtrri/Vučitrn, Obiliq/Obilić and Fushë Kosovë/Kosovo Polje.

Challenges ahead

33. The Kosovo Government needs to ensure that any new contractor for the humanitarian bus service retains the confidence of the Kosovo Serbs and members of other communities that rely on the service.

Sustainable returns and the rights of communities and their members

34. The number of minority returns to Kosovo is unsatisfactory: United Nations High Commissioner for Refugees estimates that only 181 minority community members returned during the first four months of 2008, with the highest number of returns in the regions of Pejë/Peć and Prishtinë/Priština. As of April 2008, the total number of minority returnees since 2000 is estimated at 18,158.

35. The first organized return project of the year, funded by the British Government, was launched on 8 May for the return of 15 displaced families to Berkovë/Berkovo in Klinë/Klina municipality.

36. The funding gap for returns remains at €17 million for 21 organized multi-sectoral returns projects.

37. On a "go-and-see visit" arranged by the Danish Refugee Council to Istog/Istok, members of the Egyptian community from Rudesh/Rudeš (Istog/Istok) settlement, who are currently displaced in Montenegro, were not allowed to return to their place of origin, which is now within the boundaries of a protective zone surrounding the Gorioč monastery. They were offered three alternative sites for return, namely, Serbobran/Srbobran, Dubravë/Dubrava and Zallq/Žac; talks on this issue are still ongoing. It was also reported that strong reactions were expressed by the receiving community of all ethnic groups against their relocation in their villages.

38. In May, the Ministry of Communities and Returns assumed the oversight responsibility and funding of the management of Camp Osterode, which provides temporary shelter to Roma, Ashkali and Egyptian internally displaced persons in northern Mitrovicë/Mitrovica.

39. With the signing of a memorandum of understanding on 23 May between the Ministry of Communities and Returns and an internally displaced person association, the Ministry expects to enhance its relations with internally displaced person associations in various communities and returns-related projects in the future, recognizing them as essential partners in all central-level decision-making processes related to returns.

40. Expenditure management and compliance with civil service recruitment rules by the Ministry of Communities and Returns have improved. In May, the Ministry conducted the recruitment of a total of nine vacancies according to relevant civil service rules and regulations to redress irregular appointments. The Ministry has also demonstrated a marked decline in wasteful expenditures compared to last year and has managed its running expenditures so far this year according to the rules and regulations.

41. In a gesture of goodwill, President Sejdiu paid a visit to the first Serb returnees to Deçan/Dečani at their residence in March.

42. From January to April, 853 people were involuntarily repatriated to Kosovo, with the largest number of deportees coming from Germany (208 people). The figure has decreased compared to the same period last year, when there were 961 involuntary repatriations. A total of 3,125 individuals were repatriated to Kosovo in 2007, compared to 3,598 in 2006.

Challenges ahead

43. The Kosovo Government needs to demonstrate its commitment to implementing the Protocol on Returns.

44. To address the communication gaps among the internally displaced persons and the Kosovo Government, the Ministry of Communities and Returns should undertake intensive contacts with displaced persons, internally displaced person associations, as well as the media and other organizations that are devoted to communities in and returns to Kosovo.

Economy

45. The Ministry of Finance and Economy is preparing a medium-term expenditure framework for 2009-2011, which the Kosovo Government will present at a donor conference scheduled for 11 July 2008 in Brussels.

46. As at 30 April, the Kosovo Trust Agency has launched 30 waves of privatization, with 551 new companies derived from the assets of 313 socially owned enterprises tendered for sale. As at 30 April, total privatization proceeds amounted to more than €378 million. Of this amount, €75.6 million is due to the eligible former workers of privatized enterprises, of which €15.5 million has already been disbursed to the Independent Union of Trade Unions, which distributes the proceeds to the eligible former workers.

47. The Kosovo Energy Corporation revenue collection for the first quarter of 2008 stood at 40.6 per cent of energy available for sale, an increase of more than 7 per cent compared to the collection rate of 33.3 per cent of energy available for sale in the last quarter of 2007. This represents a slight decrease for the same period in 2007.

Challenges ahead

48. Deficiencies in the administration of taxes need to be tackled to improve the business climate without eroding the budget revenue base.

49. The audit reports on the Kosovo budget reveal many weaknesses and inefficiencies in the management of public money. Budget organizations need to undertake immediate steps to implement the Auditor General's recommendations.

50. The implementation of public investment projects remains weak, resulting in substantial underspending of capital budgets.

Property rights

51. Of the 29,160 cases adjudicated by the Housing and Property Claims Commission, 11 decisions are pending implementation. All of them pertain to properties located in the northern part of Mitrovicë/Mitrovica.

52. The Kosovo Property Agency has received a total of 39,583 claims covering agricultural, commercial and residential properties, with more than 90 per cent of claims pertaining to agricultural property, and has closed the claim intake. So far, the Kosovo Property Claims Commission has issued decisions on 8,295 claims (amounting to 21 per cent of the total caseload).

53. The Kosovo Property Agency continues to implement the rental scheme for properties under its administration. Under the scheme, there have been 823 evictions (344 during the reporting period), while 940 occupants currently pay rent, achieving a total rental income of €693,433.

Challenges ahead

54. The draft Law on Sales of Apartments Where Tenure Rights Exist needs to be amended in order to expressly recognize final decisions of the Housing and Property Claims Commission and thus ensure rights protection when privatizing apartments and prevent unlawful deprivations of possessions.

55. New members of the Supervisory Board of the Kosovo Property Agency have not yet been appointed.

56. The development and approval of the procedure for calculation and provision of monetary compensation for successful residential property claims need to be defined and approved by the Supervisory Board of the Kosovo Property Agency.

Cultural heritage

57. Work on reconstruction of cultural and religious heritage has continued on residual projects from 2007, six of which were completed during the reporting period with another three expected to be concluded in June 2008.

58. The Special Representative of the Secretary-General issued two executive decisions regarding a continuing property dispute involving the Visoki Dečani Monastery. The decisions require cadastral records to reflect the Monastery's possession of particular land parcels pursuant to a 1997 Deed of Gift. The order to change the cadastre was required to rectify what appear to be arbitrary changes to the possession list, without due process of law, in contravention of the Deed of Gift. The decisions are without prejudice to ongoing judicial proceedings which challenge the Deed of Gift. The municipality has refused to comply with the order contained in the Executive Decision.

59. Works on the Hadum Mosque in Gjakovë/Djakovica under the auspices of the United Nations Educational, Scientific and Cultural Organization with a United States donation, commenced in April and should be completed by October.

60. During the reporting period, the KPS recorded a total of 27 incidents against various religious or cultural sites. Of these, 14 were related to petty thefts, often involving minors. A total of 12 suspects were arrested while investigations were continuing in other cases.

61. KPS patrols and visits to cultural and religious sites continue on a regular basis. The 24-hour static presence at the St. Nicholas Church in Prishtinë/Priština continues and a private security company hired by the Ministry of Culture, Youth and Sports continues to provide additional security measures at a selected number of Serbian Orthodox sites, including the St. George Church in Prizren.

Challenges ahead

62. The Government needs to continue to work on ways to ensure necessary protection of cultural heritage sites and to conduct public awareness campaigns on a continuous basis. The Reconstruction Implementation Committee will need the continued support of all stakeholders, particularly the Serbian Orthodox Church, in order to conclude its undertaking. Urgent measures must be taken to establish the Kosovo Council for Cultural Heritage.

Kosovo Protection Corps

63. Minority representation in the Kosovo Protection Corps went down slightly from 6.5 to 6.2 per cent throughout the reporting period. The representation of Kosovo Serbs declined from 1.4 to 1 per cent. The Kosovo Protection Corps had 2,876 active members, out of which 178 are minorities (38 Kosovo Turks, 35 Kosovo Ashkali, 34 Kosovo Bosniak, 30 Kosovo Serbs and 41 from other Kosovo communities).

64. Following the declaration of independence on 17 February, eight Kosovo Serb members of the Kosovo Protection Corps stopped working. No disciplinary action has been taken against them so far and efforts continue to persuade them to return to work.

65. The Kosovo Protection Corps remains focused on developing and maintaining its operational capability. From 22 March to 12 April, a detachment of Kosovo Protection Corps deminers accompanied by an UNMIK representative took part in rescue operations in the village of Gërdec near Tirana, Albania, to help deal with the consequences of the explosion of an ammunition depot on 15 March.

Challenges ahead

66. The Office of the Kosovo Protection Corps Coordinator and KFOR continue to work together on initiatives to maintain and enhance engagement with the Kosovo Protection Corps through activities which sustain its operations and preserve its public standing.

Annex II

Composition and strength of the UNMIK police
(as at 15 June 2008)

Country	*Number*	*Country*	*Number*
Argentina	10	Malawi	4
Austria	22	Nepal	12
Bangladesh	160	Norway	10
Brazil	2	Pakistan	181
Bulgaria	46	Philippines	48
China	18	Poland	140
Croatia	14	Portugal	1
Czech Republic	23	Romania	181
Denmark	20	Russian Federation	41
Finland	8	Slovenia	14
France	41	Spain	14
Germany	133	Sweden	37
Ghana	34	Switzerland	7
Greece	2	Turkey	128
Hungary	14	Uganda	4
India	99	United Kingdom of Great Britain and Northern Ireland	49
Italy	44	United States of America	183
Jordan	68	Ukraine	183
Kenya	14	Zambia	10
Kyrgyzstan	7	Zimbabwe	24
Lithuania	6		
Total			**2 056**

Composition of the Kosovo Police Service
(as at 15 June 2008)

Category	*Percentage*	*Number*
Kosovo Albanians	84.51	5 980
Kosovo Serbs	9.92	702
Other ethnic minority members	5.57	394
Total		**7 076**
Men	86.48	6 119
Women	13.52	957

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 June 2008)

Country	*Number of liaison officers*
Argentina	1
Bangladesh	2
Bolivia	2
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Hungary	1
Ireland	4
Jordan	2
Kenya	2
Malawi	1
Malaysia	1
Nepal	1
New Zealand	1
Norway	2
Pakistan	2
Poland	1
Portugal	2
Romania	3
Russian Federation	1
Spain	2
Ukraine	2
United Kingdom of Great Britain and Northern Ireland	1
Zambia	1
Total	**39**

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Security Council

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Letter dated 14 July 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1819 (2008) concerning Liberia, adopted on 18 June 2008, by which the Council requested me to renew the mandate of the Panel of Experts appointed pursuant to paragraph 1 of resolution 1760 (2007) for a further period until 20 December 2008, and requested the Panel to report on the issues listed in paragraph 5 of resolution 1792 (2007). The Council also requested me to reappoint the Panel of Experts, and to make the necessary financial and security arrangements to support the work of the Panel.

I should like to note that Guy Lamb (expert on arms), who served on the Panel during the mandate accorded by the Security Council in resolution 1792 (2007), is not able to continue his service with the Panel at this time.

Therefore, I wish to inform you that, after consulting with the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, I have appointed the following persons to serve on the Panel of Experts for a period ending on 20 December 2008:

Mr. Nelson Alusala (Kenya, expert on arms)
Mr. Thomas R. Creal (United States of America, expert on finance)
Ms. Wynet V. Smith (Canada, expert on natural resources)

I have also designated Ms. Smith to serve as Coordinator of the Panel.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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Report of the Security Council mission to Djibouti (on Somalia), the Sudan, Chad, the Democratic Republic of the Congo and Côte d'Ivoire, 31 May to 10 June 2008

I. Introduction

1. The present report of the Security Council mission to Africa from 31 May to 10 June 2008 has five sections, covering the Council's visits to Djibouti (on Somalia), the Sudan, Chad, the Democratic Republic of the Congo and Côte d'Ivoire, respectively. Each section ends with specific recommendations to the Security Council, the parties involved and the international community. The present report follows the briefing to the Council by the heads of the Security Council mission to Africa on 18 June 2008.

2. In his letter dated 30 May 2008 (S/2008/347), the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to Africa from 31 May to 10 June 2008. The mission travelled to Djibouti (on Somalia), the Sudan, Chad, the Democratic Republic of the Congo and Côte d'Ivoire. The segment of the mission concerning Somalia and the Sudan was jointly led by the Permanent Representative of South Africa to the United Nations, Ambassador Dumisani Kumalo, and the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Sir John Sawers. The Permanent Representative of France to the United Nations, Ambassador Jean-Maurice Ripert, led the segments to Chad and the Democratic Republic of the Congo and the Permanent Representative of Burkina Faso to the United Nations, Ambassador Michel Kafando, led the Côte d'Ivoire segment. The composition and terms of reference of the mission are set out in the annex to the present report.

II. Djibouti for Somalia affairs

A. Background and context

3. The Security Council's visit to Djibouti followed a series of talks held in Djibouti under the auspices of the Special Representative of the Secretary-General. The second round of talks that culminated in an Agreement between the Transitional Federal Government of Somalia and the Alliance for the Reliberation of Somalia started on 31 May, a few days before the Council's visit to Djibouti. The Council

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mission's visit reaffirmed the international community's commitment to a comprehensive and lasting settlement of the situation in Somalia through the Transitional Federal Charter, and stressed the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all, as envisaged in the Transitional Federal Charter. The Council mission further sought to welcome and encourage the continued efforts of the President, the Prime Minister and the transitional federal institutions to advance the political process and implement the relevant steps of the transitional period, as required by the Transitional Federal Charter, in particular: the agreement to prepare a timetable for the constitutional process leading to a referendum and free and democratic elections in 2009; the presentation of the Reconciliation Strategy of the Transitional Federal Government; engagement with clan and local leaders across the country; and efforts to improve public finance management, including budgetary and fiscal processes.

4. The visit to Djibouti also undertook to express the determination of the Security Council to assist the Somali efforts through a strengthened presence and a more active role of the United Nations, including practical support of the Special Representative of the Secretary-General and the United Nations Political Office for Somalia (UNPOS), in fostering dialogue among Somali parties, and supporting women's effective participation in the dialogue and all stages of the peace process, in the spirit of Security Council resolution 1325 (2000). It further aimed at recognizing the contribution of the African Union Mission in Somalia (AMISOM) to lasting peace and stability in Somalia, and to highlight the need to provide financial resources, personnel, equipment and services for the full deployment of AMISOM.

5. The mission further intended to register the Council's serious concern at the worsening humanitarian situation in Somalia and to call on all parties and armed groups in Somalia to take appropriate steps to protect the civilian population, to ensure the safety and security of AMISOM, United Nations and humanitarian personnel, and to permit timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need.

B. Briefing from the Special Representative of the Secretary-General for Somalia and the Chief Security Adviser

6. Following welcoming remarks by the Prime Minister of Djibouti, Dileita Mohamed Dileita, on 2 June, the Council received political and security briefings from the Special Representative of the Secretary-General for Somalia, Ahmedou Ould Abdallah, and the Chief Security Adviser, Jean Lausberg, respectively. The Special Representative said the Council's mission visiting Djibouti was particularly significant and timely owing to the Transitional Federal Government and the opposition group the Alliance for the Reliberation of Somalia holding a second round of talks regarding the political and security future of Somalia. The Special Representative said that the key message for the parties was the need for Somalis to take ownership in solving the problems that had beleaguered the country for 17 years. Noting that the security and humanitarian situation was deplorable, he observed that if nothing were done quickly the situation would get worse.

7. Describing the status of the dialogue between Somalis, the Special Representative noted that, as in all political processes, it would not be feasible to bring all parties to the conflict together at the outset. His objective was to ensure

that a critical mass of actors would engage, while leaving room for others to join at a later stage.

8. The mission expressed its commitment to helping find a lasting solution to the situation in Somalia. Its visit to Djibouti to meet the Transitional Federal Government and Alliance for the Reliberation of Somalia was evidence. The mission emphasized the need for the Transitional Federal Charter to remain the basis of the political process. The mission welcomed the talks, as called for in Security Council resolution 1814 (2008), and appealed for a broad-based process. The mission emphasized the need to end impunity and ensure the protection of the human rights of the Somali people. The mission acknowledged the link between the political process, security and humanitarian assistance, and emphasized the need to ensure that there was no security vacuum that could affect political progress and humanitarian access. The mission emphasized the Council's commitment to addressing the scourge of piracy and looked forward to the forthcoming adoption of a resolution on the subject.

C. Meeting with the President of Somalia and the delegation of the Transitional Federal Government

9. The President of Somalia, Abdullahi Yusuf Ahmed, reiterated his commitment to the ongoing dialogue in Djibouti. Recalling his statement during the Council debate on peace and security in Africa on 16 April 2008, the President stressed that he wanted to lead Somalia to peace and stability. The President said he was willing to do whatever it would take to bring peace to his country. He appealed to the Council to lift the arms embargo imposed on Somalia to allow the Transitional Federal Government to build its security apparatus, to deploy a peacekeeping operation of the United Nations to take over from AMISOM, and to assist in addressing piracy. Elaborating on the remaining steps anticipated in the transitional road map, the President appealed for assistance in drafting a new constitution and conducting a census in preparation for the elections, as stipulated in the Transitional Federal Charter. The President welcomed resolution 1814 (2008) and its forward-leaning approach to a possible United Nations peacekeeping force.

10. The mission noted that the Council was actively seized of the Somalia dossier. Resolution 1814 (2008) was important as it increased the engagement of the United Nations. It was important to have a broad-based political process that would bring as many parties as possible to the table. Noting that only 18 months remained in the transitional period, the mission emphasized the need to avoid a political vacuum that would lead to a further deterioration of the security and humanitarian situation. Recalling the Council's willingness to consider a peacekeeping force as expressed in resolution 1814 (2008), the mission stressed the need for political and security agreements and the appropriate conditions on the ground to be met before any deployment. The mission noted that it could be challenging to find troop-contributing countries, given Somalia's past history with peacekeeping. It was thus important for the ongoing talks in Djibouti to lead to an outcome that would complement resolution 1814 (2008).

11. Drawing attention to resolution 1811 (2008), the mission noted that legitimate security sector institutions in Somalia were already exempt from the arms embargo. The mission further emphasized the importance of resolution 1325 (2000) and the

role of women in conflict resolution, and encouraged the participation of women in Somalia's political process. The mission also stressed the importance of ending impunity, protecting human rights, and ensuring unhindered access of humanitarian relief to civilians.

12. Addressing questions raised by the mission, the Minister for Foreign Affairs of Somalia, Ali Ahmed Jama, emphasized the need for the deployment of a multifaceted and robust peacekeeping mission under Chapter VII of the Charter of the United Nations, which would help with security when a peace agreement was reached. He said that the Transitional Federal Government was willing to speak to all parties. Recalling an attack on the President and his delegation on their way from Somalia to Djibouti, he cautioned that there would always be spoilers who would have to be dealt with by force. The situation in Somalia, including acts of piracy, had implications for international peace and security. Therefore, the Council needed to shoulder its Charter obligations. The Foreign Minister welcomed resolution 1814 (2008) and especially the calls to relocate UNPOS from Nairobi to Somalia. He appealed to the mission to request the Secretary-General to move swiftly with the relocation and also to provide technical support for the census and the drafting of the constitution. Both the Foreign Minister and the President lauded the active and enduring role of Somali women during the civil war. They emphasized the commitment of the Transitional Federal Government to ensuring women's participation in the peace process. The President noted that he was formerly a victim of human rights abuses and would not condone any such act. The Transitional Federal Government was committed to investigating any accusations of human rights abuses and prosecuting guilty parties consistent with the relevant laws.

D. Meeting with the African Union delegation

13. The mission met with an African Union delegation led by the Commissioner for Peace and Security, Ambassador Ramtane Lamamra. The Commissioner stressed that the situation in Somalia was a threat to international peace and security, owing to piracy, violations of the arms embargo imposed by the Security Council, the illegal exploitation of Somalia's natural resources, including unlawful fishing, and the illegal dumping of dangerous waste and chemicals off the Somali coast. Noting that some parties in Somalia had criticized both the African Union and the League of Arab States for failing to stop the deployment of Ethiopian troops and for failing to provide expected support to Somalia, he said the Security Council remained the most credible institution for tackling Somalia's problems. Commending the Special Representative of the Secretary-General for his patience and creativity, the Commissioner noted that there was reason to be optimistic after the first round of talks in Djibouti.

14. The African Union delegation welcomed resolution 1814 (2008), including the prospect of a United Nations peacekeeping force to take over from AMISOM. The Commissioner appealed for coordinated action by the international community. He emphasized the link between the political and security dimensions, stressing that they had to be addressed holistically, not in isolation. He appealed for the strengthening of AMISOM and the possible deployment of a complementary force of friends of Somalia, while awaiting the deployment of a United Nations force. The Commissioner also emphasized the need for maritime protection and for measures

to be taken to address the illegal exploitation of Somalia's natural resources and the dumping of chemical waste.

15. The mission commended AMISOM for its work in Somalia under very difficult conditions. It urged the African Union to continue to work closely with the Special Representative of the Secretary-General on the political front and in reaching out to the other parties that were not yet engaged in the Djibouti dialogue. The mission further urged the African Union to work closely with the United Nations Secretary-General to address the requests from the African Union communicated in the letter of 20 February from its former Chairperson, Alpha Oumar Konare, on the strengthening of AMISOM.

E. Meeting with the Alliance for the Reliberation of Somalia

16. The mission met the opposition group, the Alliance for the Reliberation of Somalia, led by its Chairman, Sheikh Sharif Sheikh Ahmed. Sheikh Sharif highlighted the breadth of membership of his group: representatives of the Union of Islamic Courts; parliamentarians; civil society; clan elders; and members of the Somalia diaspora.

17. The representatives of the Alliance expressed their appreciation to the Special Representative of the Secretary-General and the Government of Djibouti for providing a forum for talks. They thanked the mission for the Security Council's support for the Somalia peace process, as shown by the presence of the mission in Djibouti. They welcomed resolution 1814 (2008), particularly calls for the withdrawal of foreign troops from Somalia and for investigations of human rights violations, and the Council's condemnation of the shelling of unarmed civilians. Sheikh Sharif emphasized that the Somalia crisis had both internal and external dynamics that had to be considered in any attempt to find a lasting solution. Ethiopia's interference in Somalia since the 1990s was key among the country's problems. The Alliance needed guarantees that Ethiopia would withdraw.

18. The Alliance set out the principles through which it believed the crisis in Somalia could be resolved, namely, peace and restoration of Somalia's sovereignty through dialogue; the legitimate right under international law to resist occupation; Ethiopian withdrawal; peace as a unifying element for all Somali people; rejection of violence and terrorism against civilians; Islam as the only guarantee of peace, stability and social justice; and the imperative of access to humanitarian assistance.

19. The Alliance appealed to the Security Council to ensure that Ethiopia would withdraw its forces from Somalia, to investigate war crimes and establish a war crimes tribunal, to end massacres and killings in Somalia, including in places of worship, and to provide emergency relief assistance. They expressed their commitment to implement the outcome of the Djibouti talks. Responding to questions from the mission regarding respect for the role of women in the political process, the Alliance representatives noted that Somali women have borne the brunt of the country's conflict. It was therefore important to include women fully in the peace process.

20. The mission members noted that their presence in Djibouti was solely to support the ongoing peace process. It was not common for the Council to meet opposition groups. This exception signified the extent of the suffering of the Somali

people and the Council's support for the commitment of the Alliance to the dialogue led by the Special Representative of the Secretary-General. The mission emphasized the need for security guarantees related to the withdrawal of Ethiopian troops. The mission said it was only through dialogue that stability could be achieved. The ongoing talks were therefore positive. Regarding Ethiopia's presence, the mission recalled the alternate view that withdrawal before a political agreement was reached would lead to a security vacuum and a further deterioration of the situation.

21. The mission stressed that the only basis for the withdrawal of Ethiopian troops and the deployment of a peacekeeping mission was a political agreement that could be presented to the international community. It was important for the parties to show that there was a political dynamic in Somalia. A credible political process and guarantees were imperative.

22. The mission noted it was positive that the Alliance for the Reliberation of Somalia and the Transitional Federal Government shared aspirations of a United Nations peacekeeping operation. The parties needed to create the conditions necessary for deployment. The mission explained that while the international community could assist, it was only Somalis themselves that could find ways to accommodate each other and reach a political settlement. The mission reiterated that the heart of the problem was the intra-Somalia conflict, while recognizing the political implications of Ethiopia's presence. It was important to start moving towards a credible political path that would inspire confidence in troop-contributing countries. The mission stressed that the Council would be keenly following the talks in Djibouti and looked forward to a positive outcome. It urged the Alliance to consider what concessions were possible, as a basis for charting a course towards a better future for all Somali people.

F. Meeting with the United Nations country team

23. The Resident Coordinator/Humanitarian Coordinator for Somalia, Mark Bowden, raised four concerns with the Security Council, namely, the collapse of the Somali shilling and the associated impact on the economy; the combined impact of three years of drought and the recent global food crisis on food security; the strain of the continuing humanitarian crisis on the traditional coping strategies of the Somali people; and continuing insecurity, particularly in Mogadishu and other urban centres, and its impact on the delivery of humanitarian assistance. The country team said that humanitarian workers were increasingly becoming targets of kidnapping and killing. The team commended the Somali people for taking care of most of their internally displaced persons and for their active participation in the distribution of humanitarian assistance. The team appealed to the Council to urge the parties to reach a political agreement that would have a positive impact on humanitarian aspects and development.

24. The mission commended the country team for its work, not least given the difficult operating conditions. The mission noted that the Council had just unanimously adopted a resolution that paved the way for combating piracy.

G. Meeting with civil society

25. On 3 June, the mission met members of Somali civil society, including representatives of women's groups, humanitarian organizations, the business community, young people, and the diaspora. The representatives expressed their gratitude for the Security Council and the Special Representative of the Secretary-General hearing their voices. They presented a joint paper for the Council's consideration. Lamenting that the international community had forgotten Somalia since the withdrawal of the United Nations Operation in Somalia (UNOSOM) in 1995, the representatives were encouraged by the Council's willingness to re-engage. They were confident that Somalia was ready to solve its problems. The representatives noted that the meeting was historic, coming as Somalis were yearning for peace.

26. The representatives said that Somalia was facing a serious humanitarian crisis without comparison. The combination of the three-year drought and other natural disasters, insecurity, hyperinflation, and the global food crisis had created a crisis of large proportions. The number of internally displaced persons had increased. Many people were desperate to leave the country. The representatives noted the difficulty of responding to Somalia's significant humanitarian needs. Killings of humanitarian workers were also causing difficulties. The presence of Ethiopian troops was a further complicating factor.

27. The representatives believed that there existed an opportunity for peace in Somalia. The Transitional Federal Government and the Alliance for the Reliberation of Somalia had demonstrated a commitment to the political process by accepting Djibouti as a neutral host for talks. Both parties had accepted the Transitional Federal Charter as the basis for political dialogue. They had recognized that a military approach was untenable. In addition, the international community was paying attention and had a better understanding of the Somalia situation.

28. The representatives urged the Security Council to welcome the adoption of any reconciliation agreement achieved by the Transitional Federal Government and the Alliance for the Reliberation of Somalia. They urged support from the international community for the political dialogue, noting that peace could not be achieved solely by deploying troops. They further urged the Council to encourage the withdrawal of Ethiopian troops by deploying a United Nations peacekeeping force. It was also important for the Council to work on eliminating mistrust between Somalis and the international community through the establishment of a Somalia reconciliation advisory team to work with the Special Representative of the Secretary-General on confidence-building measures. It was important for the Council to impose targeted sanctions on leaders that impeded peace, and to establish a commission to investigate war crimes. The representatives also asked the Security Council to ensure the urgent relocation of UNPOS to Mogadishu, and appealed to the Council to seize the existing window of opportunity and nurture and support the ongoing political progress.

29. Representatives of civil society said they were trying to establish a civilian administration in Mogadishu to address the security and humanitarian situation in the city, but they needed assistance from the Council to urge Ethiopians and forces aligned with the Alliance for the Reliberation of Somalia to withdraw from Mogadishu. Withdrawal would not leave a vacuum, but rather would establish a

demilitarized civilian zone and build confidence. The representatives stressed that the lack of administrative structures and the breakdown of law and order accounted for most of the killings in Somalia.

30. The representatives urged action against illegal fishing and dumping of nuclear waste off the coast of Somalia. Such actions were major sources of conflict. The rise in piracy was a reflection of local anger at illegal fishing.

31. The mission commended the civil society representatives for their work over the last 17 years in filling critical social gaps in the absence of governmental institutions. The mission concurred with the representatives' view that Somalia had a new opportunity to achieve peace after 17 years. The mission appealed to civil society members to reach out to the Somali community and support mobilization of nationwide support to the political process. Acknowledging the broad representation of women in the civil society delegation, the mission acknowledged the important role played by women in the reconciliation process. The mission noted that civil society in Somalia would have a critical role to play in the reconciliation of Somalia and urged the representatives to encourage the leaders and the opposition to reach an early agreement. Such an agreement would pave the way for the establishment of the conditions that would allow the Security Council to deploy a United Nations peacekeeping operation.

32. The mission informed the representatives that the Council had the previous day adopted a resolution to combat piracy (resolution 1816 (2008)), in addition to resolution 1814 (2008) which called for the provision of maritime escorts for ships providing humanitarian relief to Somalia. The mission noted that it would consider the recommendations proposed by the civil society representatives. It encouraged the representatives to continue to speak out for peace, and assured them of the Council's support for their efforts.

H. Recommendations

33. In the light of the discussions between the Security Council mission and its interlocutors and conclusions drawn from the various exchanges, the mission, while reaffirming the relevance of the elements contained in its terms of reference, recommends:

(a) That the Security Council continue to consider how best it can support the Special Representative of the Secretary-General, Mr. Ould Abdallah, in his efforts to provide practical assistance to further political progress already made;

(b) That all Somali parties that have engaged in dialogue with a view to establishing peace and security in Somalia should continue to do so and should resort to peaceful means only to resolve their disputes;

(c) That the Security Council consider how best it can lend its support to the agreement initialled by the Transitional Federal Government and the Alliance for the Reliberation of Somalia opposition group;

(d) That the Security Council consider ways to enhance the international security presence in Somalia, including a peacekeeping operation to take over from AMISOM, at an appropriate time, subject to continued progress in the political

process and improvement in the security situation on the ground, as indicated by resolution 1814 (2008).

III. Sudan

A. Background and context

34. The Security Council visited the Sudan in order to reaffirm the international community's determination to ensure the implementation of the Comprehensive Peace Agreement and resolution of the situation in Darfur. The Council sought to encourage further cooperation between the National Congress Party (NCP) and the Sudanese People's Liberation Movement (SPLM) in carrying out their responsibilities to further implement the Comprehensive Peace Agreement. The Council also wished to reiterate its support for the Darfur political process being led by the Special Envoys of the African Union and the United Nations, and to call on all parties to end the violence in Darfur and engage constructively in the peace process. The Council reaffirmed its commitment to the sovereignty, unity and territorial integrity of the Sudan.

35. The visit of the Security Council to the Sudan was also undertaken to demonstrate the Council's profound appreciation of and support for the United Nations-African Union Hybrid Operation in Darfur (UNAMID), and to call on all stakeholders to facilitate its full deployment at the earliest opportunity. Similarly, the Council sought to underline its concern for the security of civilians and humanitarian aid workers in Darfur, and to call on all parties to allow the safe and unhindered access of relief personnel to those in need. The Security Council's visit to the Sudan also provided the Council with an opportunity to call on the Governments of the Sudan and Chad to abide by their obligations under the Dakar Agreement of 13 March 2008, the Tripoli Agreement of 8 February 2006, and other relevant bilateral agreements. In order to provide adequate focus on each of these areas, the Council visited Juba, Khartoum and El Fasher.

36. Prior to the Security Council's visit to the region, there had been a number of significant developments in the Sudan, which affected both the implementation of the Comprehensive Peace Agreement, and the ongoing crisis in Darfur.

37. After numerous delays and objections, the fifth population census was carried out in the Sudan from 22 April to 6 May 2008. The enumeration process was largely peaceful, with some minor security incidents as well as sporadic demonstrations against the census in various locations in Darfur, southern Sudan and the three "transitional areas" (Nuba Mountains, Abyei and Blue Nile). According to the Sudanese authorities, most states achieved a 100 per cent completion rate, with a 90 per cent average rate for the entire country. In areas that were not covered in Darfur, southern Sudan and Southern Kordofan, estimates would be made, on the basis of the 1993 census. The Comprehensive Peace Agreement stipulates that the census results will be used to make adjustments to the power- and wealth-sharing formulae between the north and the south, as well as determining political constituencies prior to the general elections scheduled for 2009. The retrieval and tallying process of the census will continue over the next several months.

38. Arguably the most serious crisis to date in the process of the implementation of the Comprehensive Peace Agreement occurred when fighting broke out in May in the flashpoint area of Abyei, one of the three "transitional areas" which straddle the border of 1 January 1956 between North and South Sudan. The oil-rich area has been without a civil administration since the Comprehensive Peace Agreement was signed, and has been the scene of increasing tension between the Arab nomadic Misseriya tribe and the Ngok Dinka living in Abyei. On 13 May, an incident outside Abyei town triggered a series of apparently localized clashes. The situation was addressed through the ceasefire mechanism and seemed to have quietened down, when large-scale heavy fighting between the armed forces of the two parties broke out on 19 May. The hostilities, which lasted only a day, largely destroyed Abyei town and resulted in the displacement of tens of thousands of civilians. While troop movements continued on both sides, political talks between the parties sought to address the situation. On 8 June, after the Security Council visited, the parties announced their agreement on a road map for the resolution of the Abyei situation, including the establishment of an interim administration, an investigation of the incidents in May, and the setting up of an arbitration commission to determine the boundaries of the Abyei area.

39. On 10 May 2008, the Justice and Equality Movement (JEM), led by Khalil Ibrahim, attacked Omdurman with the intention of toppling the Government of the Sudan. The Security Council condemned the attack in its presidential statement of 13 May 2008 (S/PRST/2008/15), and called on all parties to commit themselves to the political process led by the Special Envoys of the United Nations and the African Union. Following the attack of 10 May, the Government of the Sudan officially severed diplomatic relations with the Government of Chad, accusing it of having provided support to the JEM operation in Omdurman. The Government of Chad denied any involvement in the attack. These developments came only two months after the signing of the Dakar Agreement, in which both countries committed themselves to normalizing their relations and ending support to rebel groups on both sides of the Chad-Sudan border.

B. Meetings in Juba

40. On 3 June, the Security Council mission met with the First Vice-President, Salva Kiir Mayardit, in Juba. He stressed that the Sudan should be looked at from a strategic perspective given its geopolitical importance, and in the light of the fact that it borders nine countries in a volatile region. He stressed that allowing the Comprehensive Peace Agreement to collapse would put the entire continent of Africa in danger, and could turn the region into a breeding ground for terrorism. With regard to the implementation of the Agreement, he stressed that the resolution of the current crisis in Abyei was of critical importance, and that the humanitarian consequences of recent events had to be addressed as quickly as possible. In addition, he emphasized that the border of 1 January 1956 had still not been demarcated, the census had not been conducted satisfactorily, and the Government had still not agreed on an electoral law. The First Vice-President stressed that, in view of the way the Comprehensive Peace Agreement and the census had been implemented, it was unclear whether NCP would allow the referendum to be conducted in 2011. He stated that SPLM would respect the results of the referendum, regardless of whether the vote was for unity or secession.

41. In order to find solutions, the First Vice-President suggested that the United Nations take a number of important steps. First, the United Nations should maintain pressure on the parties to the Comprehensive Peace Agreement, which would ensure that an incident similar to that at Abyei would not reoccur. Second, the mandate of the United Nations Mission in the Sudan (UNMIS) should be revised so that it could provide protection for civilians; he informed the mission that UNMIS did not take action as civilians were chased out of their homes in Abyei. He stressed that UNMIS had been deployed to protect the people of the Sudan, and should be given the mandate to do so. Third, he stated that institutions under the Comprehensive Peace Agreement, including the Assessment and Evaluation Commission, should become fully functional. Finally, he remarked that the disarmament, demobilization and reintegration process had not been implemented satisfactorily, and that the United Nations should give it more attention.

42. With respect to the situation in Darfur, the First Vice-President stated that there had been little headway towards a resolution, owing in part to the differences between NCP and SPLM. He stated that the situation in Darfur had been aggravated by the attack of 10 May launched by JEM, which SPLM had condemned. Concerning the political process, he stressed that SPLM had been working through its Task Force to assist the rebel movements to unify and agree on a common negotiating platform in advance of peace talks. He also informed the Council that JEM was not interested in the Darfur peace process but in taking over power in Khartoum.

43. The Security Council mission expressed great concern at the recent fighting in Abyei and asked the First Vice-President what steps he believed should be taken to resolve the issue. The mission also asked him for an update on the status of the ongoing discussions between NCP and SPLM with respect to Abyei. The mission confirmed that it would raise the slow and incomplete implementation of the Comprehensive Peace Agreement with its interlocutors in Khartoum, and stated its willingness to consider the issue of a strengthened mandate for UNMIS once it had returned to New York.

44. In response to the questions posed to him, the First Vice-President stated that the way forward for Abyei was clear. First, the Abyei Protocol of the Comprehensive Peace Agreement had to be implemented and a joint civilian administration should be established. Second, the Sudanese armed forces would have to withdraw from the area, as agreed in the Comprehensive Peace Agreement. Third, militia in the area would have to disband and join either the Sudanese People's Liberation Army (SPLA) or the Sudanese armed forces, in accordance with the Agreement. With regard to the discussions being held by NCP and SPLM on Abyei, he confirmed that they were moving forward and focusing on the deployment of forces out of Abyei, the return of displaced Abyei residents, the provision of humanitarian assistance, and the setting up of a joint administration in Abyei. In closing, he requested the assistance of the United Nations in training a new Joint Implementation Unit to be deployed to Abyei.

C. Meetings in Darfur

1. Internally displaced persons: Zam Zam camp

45. The mission met with a delegation of internally displaced persons in Zam Zam camp in Northern Darfur. One representative of the internally displaced persons told the mission that the displaced persons were encouraged when they heard of the adoption of Security Council resolution 1769 (2007), but had since grown disillusioned because of the continuing insecurity in Darfur, including in the camp itself. He stated that UNAMID was incapable of protecting internally displaced persons, and that the same violence and human rights violations continued even after UNAMID had been deployed for six months. A representative of a women's group expressed her frustration that the Darfur Peace Agreement had not led to any tangible improvement for the population. She also articulated three demands, including the provision of protection by the United Nations, representation of internally displaced persons in the political process, and Security Council involvement in uniting the rebel movements. The mission expressed solidarity with the victims of the conflict and assured the representatives that the Council would do everything within its power to improve their circumstances.

2. Humanitarian community

46. Representatives of the humanitarian community in Northern Darfur informed the mission that UNAMID and humanitarian agencies were facing similar problems in Darfur, including persisting insecurity and the lack of Government cooperation, especially with regard to their freedom of movement. They indicated that they were still facing a number of bureaucratic impediments imposed by the Government, including the lack of permission to use rented vehicles, regularly changing administrative procedures, and the non-issuance of visas to humanitarian workers. The humanitarian community informed the mission that, as a result of banditry along the El Obeid-Darfur supply route, food rations would again be halved for the month of June. Since food rations had previously been cut in half for the same reason, June food rations would be a quarter of the intended quantity. The mission was informed that the Government had agreed to provide protection for commercial contractors carrying United Nations supplies along this route, but they had not yet done so. They asked that the Security Council put pressure on the Government to live up to its responsibilities regarding the protection of the civilian population, the lifting of bureaucratic impediments, and freedom of movement for humanitarian actors.

3. Wali of Northern Darfur

47. The Governor of Northern Darfur confirmed his commitment to facilitating the deployment of UNAMID, including through the provision of land and whatever logistical support might be required. He stated that the rebel movements were the principal obstacle in the way of peace in Darfur, and that the Government was committed to the political process. He further stated that the humanitarian situation in Darfur was stable, as evidenced by low mortality rates and absence of epidemics, and that the Government was committed to the joint humanitarian communiqué of 28 March 2007. The mission informed the Governor that humanitarian workers in Darfur continued to face impediments, and that it expected him to let humanitarian work proceed without hindrance. With reference to ongoing hostilities, the mission

urged that the Government of the Sudan pay full respect to human rights, even when confronting those it might suspect of being rebels.

D. Meetings in Khartoum

1. Minister for Foreign Affairs

48. On 4 June, the Security Council mission met with the Minister for Foreign Affairs, Deng Alor, who stated that the Sudan was passing through difficult times. He said that the Darfur situation had yet to be resolved, and that implementation of the Comprehensive Peace Agreement remained inadequate. He said that the failure to implement the Abyei Protocol was the most problematic issue, which was made evident by the recent fighting there. The Foreign Minister informed the mission of the view of SPLM that the violence in Abyei constituted a war crime and a violation against humanity. He also indicated that the two parties, NCP and SPLM, were engaged in high-level talks to find a solution to the Abyei situation, but informed the mission that no substantial progress in that regard had been made. The Foreign Minister stressed that the continued build-up of forces in Abyei posed a significant danger, and stated that a return to war could not be dismissed if the situation were not resolved swiftly.

49. With respect to the Darfur situation, the Foreign Minister indicated that the Government of the Sudan remained committed to the ceasefire, and to resolving the situation through the political process. He was of the view that certain groups that had not signed the Darfur Peace Agreement were not committed to dialogue. The attack of 10 May by JEM on Omdurman was an illustration of that point. He asked for the international community's continued assistance in bringing the parties to the negotiating table.

50. The Security Council mission indicated that the Darfur crisis was its principal focus, and that it hoped to see the parties make substantive moves towards peace in the near future. The mission expressed its concern that the deployment of UNAMID was proceeding too slowly, and asked that the understanding reached between the Secretary-General and President Al-Bashir with respect to the deployment of Thai and Nepalese troops be confirmed in writing. Regarding the political process, the mission welcomed the Government's stated commitment to dialogue, and agreed that non-signatories to the Darfur Peace Agreement needed to demonstrate their willingness to abandon the military option and come to the negotiating table. The mission further stressed the need for the government of national unity to abide by the agreements reached with the Darfur humanitarian community, particularly the joint humanitarian communiqué of 28 March 2007, and the importance of the Government's full cooperation with the International Criminal Court.

51. The mission underlined the necessity of restoring relations between Chad and the Sudan, and asked the Foreign Minister if it could assist. The mission expressed its deep concern over the Abyei situation and the lack of implementation of a number of key provisions of the Comprehensive Peace Agreement. In particular, the mission highlighted the need for SPLM and NCP to make progress on north-south border demarcation, resolution of the Abyei situation, and finalization of wealth-sharing arrangements.

52. In response to the mission's observations on Darfur, the Foreign Minister noted that there had been difficulty regarding its agreement on the Thai and Nepalese troops. He recalled that the agreement between the Government of the Sudan and the United Nations was to allow for the deployment of the Thai and Nepalese troops following the arrival of the Ethiopian and Egyptian battalions. The Foreign Minister agreed that the restoration of diplomatic relations with Chad would be central to resolving the Darfur crisis, and informed the mission that he would soon be travelling to Paris to discuss this issue with the French Foreign Minister. With regard to the Government's cooperation with the International Criminal Court, the Foreign Minister indicated that there were conflicting views within the Government on this issue. However, he confirmed that SPLM was in favour of cooperation with the Court.

2. Presidential Adviser

53. The Presidential Adviser, Nafie Ali Nafie, confirmed the Government's commitment to the political process, and indicated that it remained flexible with respect to the date and venue for negotiations with the rebel movements. He remarked that the Sirte negotiations had stalled in part owing to the failure of the international community to exert pressure on the parties to attend the talks. Regarding any future negotiations, he stated explicitly that the Government would not participate in any talks with JEM. He also repeated the claim that JEM was interested only in taking over power in Khartoum.

54. With regard to the humanitarian situation in Darfur, the Presidential Adviser stated that the Government had taken a number of steps to ensure that assistance was reaching populations in need, including through the provision of escorts for humanitarian supply convoys. He further stated that the humanitarian situation in Darfur was stable, that there were no problems with respect to access, and that the Government was working with the World Food Programme to increase the food supply in Darfur.

55. Regarding the deployment of UNAMID, the Presidential Adviser stated that the Government had shown flexibility in the implementation of Security Council resolution 1769 (2007), and had fully cooperated with UNAMID at the local and national levels. To this end, he informed the mission that a technical committee headed by the Under-Secretary of State, Mutrif al-Siddiq, had been formed to deal with any technical issues related to UNAMID, and stated that he would welcome hearing about any specific examples in which Government cooperation with UNAMID had not been forthcoming. He remarked that the heavy support package had not yet been implemented, and that the joint support and coordination mechanism had not yet been established in Addis Ababa. He said that this was an illustration of the fact that the United Nations was not coordinating adequately with the African Union.

56. The Presidential Adviser stressed his Government's conviction that good-neighbourly relations with Chad were important, and stated that the Sudan had no interest in controlling Chad. He remarked that the Government of Chad was based on a tribal — rather than a democratic — system, which led to the Chadian Government's support for tribally affiliated rebels in Darfur. He expressed his hope that the Government of Chad could be convinced that JEM was not essential to its survival. With respect to the past agreements reached between the Governments of

the Sudan and Chad, including the recently concluded Dakar Agreement, he stated that it would be essential to establish mechanisms to verify their implementation.

57. The Security Council mission welcomed the Government's improved cooperation with UNAMID, but stressed that there were still a number of areas in which greater cooperation was needed. In particular, the mission asked for the removal of all limitations on the freedom of movement of UNAMID, including the ability to use Darfur airports 24 hours per day. The mission also noted that Customs clearance was occurring only four hours per week, and that Rwandan contingent-owned equipment was still being held in Zam Zam, Northern Darfur. Regarding the deployment of the Thai and Nepalese troops, the mission requested that the understanding reached between the Secretary-General and President Al-Bashir be confirmed in writing. The mission handed the Presidential Adviser a list of additional, specific areas in which further Government cooperation would be required for the effective deployment of UNAMID.

58. The mission took note of the comments of the Presidential Adviser regarding the need for Chad and the Sudan to improve their relations, and asked how it could assist. The mission also asked what assistance it could provide to pressure the rebel movements to come to the negotiating table. Regarding the issue of impunity, the mission stressed the need for the Sudan to cooperate fully with the International Criminal Court. One of the co-chairs said that the Sudan should hand over the two Sudanese nationals who had been indicted by the Court.

59. In response to the questions and observations raised by the mission, the Presidential Adviser asked why the United Nations continued to insist on the inclusion of non-African troops in UNAMID. He informed the mission that the Government of the Sudan had been highly suspicious of Security Council resolution 1706 (2006). This was due to the belief within the Government that international forces would be used to further the agenda of Western countries, and not for the purposes of peacekeeping. The Government remained uncertain about the deployment of the Thai and Nepalese troops. Furthermore, neither the Government of the Sudan nor the African Union had been consulted on their inclusion. Nonetheless, the Adviser confirmed the understanding reached by President Al-Bashir and the Secretary-General on the deployment of the Thai and Nepalese units following the arrival of the Ethiopian and Egyptian battalions.

60. With respect to the Government's requirement to cooperate with the International Criminal Court, the Presidential Adviser stated that the Sudan would never cooperate with the Court since it was not a signatory to the Rome Statute. He further remarked that the Government had its own functioning judicial system, and should therefore not be asked to cooperate with the Court. In addition, he stated that Security Council resolution 1593 (2005) was unfortunate and ultimately defective since it exempted some parties and not others. Regarding UNAMID, he confirmed that the Thai and Nepalese troops could deploy immediately following the arrival of the Egyptian and Ethiopian battalions, and stated the Government's commitment to providing protection for UNAMID convoys wherever and whenever requested.

3. Minister for Investment

61. In the absence of the Second Vice-President, Ali Osman Mohammed Taha, Government officials provided an update on the implementation of the Comprehensive Peace Agreement at a meeting led by the Minister for Investment,

Kosti Manibe. The mission was informed that a subcommittee had been established seven days previously to determine the way forward with regard to Abyei. The subcommittee had agreed on four key areas, namely (a) the need to establish the necessary security arrangements in order to facilitate the return of displaced persons; (b) UNMIS would be granted full access to the Abyei area; (c) a temporary administration would be established in Abyei, with temporary boundaries applicable for a six-month period; and (d) an international body specializing in territorial disputes would be engaged to overcome the impasse regarding the border demarcation. One Government official expressed his hope that the Government would be able to announce a formal agreement to this effect by 10 June.

62. The Government also suggested to the mission that the UNMIS mandate be reconsidered, given that it had been effectively "paralysed" in Abyei during the fighting. One Government official who had recently visited Abyei informed the mission that the town was being looted in the presence of United Nations personnel. The mission stressed the urgency of resolving the Abyei crisis, as well as making decisive progress on the other outstanding areas of the Comprehensive Peace Agreement. To this end, the mission remarked that the Abyei incident would not have occurred had the Agreement been implemented on schedule. The mission urged the Government to fulfil its commitment to endeavour to make unity attractive in the lead up to the elections of 2009.

4. Opposition parties

63. The mission met with representatives of the Umma Party, the Democratic Unionist Party (DUP) and the Popular Congress Party (PCP) to hear their perspectives on key issues. The Umma Party representative informed the mission that its three national objectives were the achievement of peace, stability, and the democratization of the country. The Umma Party fully supported the Comprehensive Peace Agreement. He remarked that the Darfur Peace Agreement was deeply flawed from its inception since a number of parties had not signed it. In addition, he stated that the Eastern Sudan Peace Agreement was not fully inclusive. The DUP representative stressed the need for reconciliation between the various political parties in the Sudan, and indicated that his party would be proposing national reconciliation legislation to that end. The representative of PCP stated his party's view that the Darfur cause was just, and was wrongly combated by the Government through the use of force. He stressed that dialogue was the only solution to the problem. He also stressed that all provisions of the Comprehensive Peace Agreement needed to be implemented as a priority, and that the decision of the Abyei Border Commission should be respected.

5. Chairperson of the Assessment and Evaluation Commission

64. The Assessment and Evaluation Commission was established under the Comprehensive Peace Agreement to monitor the implementation of the Agreement. In a separate meeting, the Chairperson of the Commission, Derek Plumbly, stated that the Agreement had been implemented inconsistently. While there had been a number of solid achievements, a number of provisions had not been implemented on the timelines stipulated in the Agreement. In this respect, he remarked that the non-implementation of the Abyei Protocol represented the single largest failure in the implementation of the Agreement to date. In addition, he warned that national elections in 2009 represented a major hurdle, especially in the light of the

Government's failure to adopt the necessary electoral legislation. The Chairperson of the Assessment and Evaluation Commission stressed the importance of the Joint Integrated Units, which he said were underresourced, predisposed to infighting, and lacking in military training. He indicated that the Units would need United Nations support in these areas in order to be effective.

65. The mission stated that it had heard differing reports regarding the implications of the Abyei incident. While the Foreign Minister had raised the possibility of a return to war if the situation were not resolved quickly, Government negotiators whom the mission met on 4 June expressed optimism that an agreement was imminent. The mission recalled that the demarcation process was scheduled to move forward, and inquired whether this could provoke a conflict similar in scale to that of the Abyei incident. The mission also asked what the likely scenario for elections would be in the light of the Government's failure to pass electoral legislation. The Chairperson of the Assessment and Evaluation Commission confirmed that the demarcation process could lead to another crisis in view of the sensitivity of the issue, but expressed his belief that the process had to move forward in order to dispel the continuing ambiguity. He indicated that the parties were moving forward decisively towards elections, but were doing so in a manner that did not ensure that the necessary preparations were in place.

6. President of the Sudan

66. In his opening remarks, the President, Omer Hassan Ahmed Al-Bashir, reaffirmed his Government's commitment to the implementation of the Comprehensive Peace Agreement, and stated that all the institutions necessary to implement the Agreement had been formed. He indicated that the resolution of the Abyei issue was the top priority with respect to the Agreement, and stated that it would soon be settled through ongoing consultations between NCP and SPLM. He told the mission that the Sudan looked forward to the international community's assistance in the area of disarmament, demobilization and reintegration, as well as support for the Joint Integrated Units. With regard to Darfur, President Al-Bashir stated that this remained at the centre of the Government's concerns. However, he said that some were manipulating the Darfur crisis to serve their own national agendas, and that facts had been exaggerated and distorted. The real impediments to the resolution of the Darfur crisis, he said, were put in place by the rebel movements, as made clear by the attack on Omdurman by JEM on 10 May 2008. He reiterated his Government's commitment to the political process, as well as his conviction that the military option could not lead to a durable solution to the conflict.

67. With respect to peacekeeping in Darfur, President Al-Bashir stated that his Government had delivered on its commitment regarding the deployment of UNAMID. He recalled that a high-level committee had been established to ensure that the deployment proceeded as planned, and that land and other logistical requirements were provided for. He stated that the United Nations had not been able to implement the light and heavy support packages as planned, and expressed the view that the failures of some actors were unfairly attributed to the Government of the Sudan. The President urged all stakeholders to contribute the assets still missing in the UNAMID force. With regard to the political process, he asked that it be given the same centrality as peacekeeping, and stated that the Government of the Sudan was looking forward to the appointment of the chief mediator. He recalled that the

Security Council had pledged to consider taking measures against individuals or groups violating or undermining the Darfur Peace Agreement. However, he stated that the signatories to the Agreement had been targeted, which made the rebel movements intransigent.

68. The President confirmed the Sudan's commitment to facilitating the work of the humanitarian community in Darfur, and indicated that the joint humanitarian communiqué of 28 March was being successfully implemented. He said that despite statements to the contrary the humanitarian situation was clearly improving, which was made evident by the return of internally displaced persons and refugees to their villages of origin. He stated that the Government of Chad's involvement in the Darfur conflict was responsible for prolonging the problem, and that Chad had designed and supported the attack on the Sudanese capital on 10 May. He said that the Government of Chad's policies violated bilateral and regional agreements, including the Dakar Agreement, and could jeopardize the international community's efforts to find durable peace and stability in Darfur.

69. The mission informed the President that it reaffirmed its commitment to the territorial integrity and sovereignty of the Sudan. The Security Council had adopted a presidential statement in which it condemned the attack of 10 May launched by JEM. With regard to the implementation of the Comprehensive Peace Agreement, the mission expressed its concern with the situation in Abyei, but was encouraged to hear that progress was being made towards an agreement between NCP and SPLM. The mission expressed its concern with continuing violence in Darfur, which was having a negative impact on the humanitarian situation.

70. The mission affirmed the President's assertion that there could be no military solution to the conflict, and that renewed efforts were required by all parties to bring about a negotiated settlement. The mission stated that it, too, was looking forward to the appointment of a chief mediator.

71. The mission reiterated its condemnation of the attack by JEM on 10 May, and urged the President to exercise restraint in responding to the attack. There should be no new displacements of civilians, or further deterioration in relations between the Sudan and Chad. Captured rebels should also enjoy their full human rights. The mission underlined the importance of implementing the Dakar Agreement so as to create a context for peace in Darfur, as well as between the Sudan and Chad. With respect to peacekeeping in Darfur, the mission stated that UNAMID was facing profound difficulties in deploying, particularly in view of the long distance from Port Sudan to Darfur. The mission informed the President that it had given the Presidential Adviser a list of areas in which UNAMID required the Government's assistance. The mission recalled the Adviser's assertion that the Government of the Sudan had agreed to accept all non-African contingents, including the Thai and Nepalese troops, after the deployment of the Egyptian and Ethiopian battalions. Regarding the humanitarian situation in Darfur, the mission welcomed the Government's commitment to the joint humanitarian communiqué, but informed the President that there were still areas in which further cooperation was necessary. The mission also expressed the conviction that a solution to the Darfur conflict required justice and reconciliation, and that the Security Council looked to the Government of the Sudan to cooperate with the International Criminal Court. The mission expressed its dissatisfaction with the view offered in this regard by the Presidential Adviser.

72. President Al-Bashir stressed that the Government of the Sudan had a right to self-defence in the context of the attack on Omdurman on 10 May, and stated that Chad had allowed JEM to gather in Chad and cross the border to attack the Sudanese capital. With regard to UNAMID, he confirmed that the Government was willing to provide escorts for supply convoys if so requested. He recalled the recent hijacking of a UNAMID convoy containing ammunition for Chinese units, and stated that it was in the Government's interest to protect this equipment since it could wind up in the hands of the rebel movements. With regard to allowing UNAMID to fly at night, the President also encouraged the United Nations to improve the airports and road infrastructure in Darfur, which the Government could not afford to do. Regarding the humanitarian situation, the President informed the mission that the Government was making a great effort to facilitate voluntary returns. He said that reports suggesting that the Government was forcing the displaced to return to their homes were untrue. Instead, he said that the Government was attracting them to their villages of origin, and further stated that 90 per cent of the Darfur conflict would be resolved if camps of internally displaced persons were disbanded.

73. With respect to the suggestion that the Sudan cooperate with the International Criminal Court, the President stated that citizens of the Sudan would be subject exclusively to Sudanese law. He stated that the Sudan is not party to the Rome Statute and, as such, would not hand over a single Sudanese national to international courts. He told the mission that any accusation against a Sudanese citizen would be taken up by national courts. The mission welcomed the Government's commitment to allow the deployment of the Thai and Nepalese troops following the arrival of the first Ethiopian and Egyptian battalions, its permission for the United Nations to begin work on Darfur infrastructure, and the guarantee of full freedom of movement for UNMIS in the Abyei area.

E. Recommendations

74. In the light of the discussions between the Security Council mission and its interlocutors and conclusions drawn from the various exchanges, the mission, while reaffirming the relevance of the elements contained in its terms of reference, recommends:

Comprehensive Peace Agreement

(a) The Council should continue to support the parties in implementing the Comprehensive Peace Agreement, including by improving security arrangements between the parties;

(b) UNMIS should, consistent with its mandate, begin immediate preparations to support the conduct of national elections, in close collaboration with the United Nations Development Programme and the parties to the Comprehensive Peace Agreement;

(c) UNMIS should, consistent with its mandate and in accordance with resolution 1812 (2008), robustly deploy, as appropriate, peacekeeping personnel in and around Abyei to support the implementation of the Comprehensive Peace Agreement, including protecting civilians;

Darfur

(d) The Council should renew its demand that all parties in Darfur immediately cease hostilities and engage in the political process, and stand ready to take action against any party that undermines the peace process;

(e) The United Nations should urgently take forward President Al-Bashir's agreement (a) to the deployment of the Thai and Nepalese troops as soon as Egyptian and Ethiopian troops have arrived, (b) to protect United Nations convoys travelling by land and (c) the upgrading of the airports in Darfur and the operation of United Nations flights 24 hours per day, 7 days per week;

(f) The Council should begin consideration of a new resolution to extend the mandate of UNAMID after it expires on 31 July;

(g) The United Nations should urgently appoint a chief mediator to spearhead the United Nations and African Union efforts on Darfur;

(h) The Sudan and Chad should diffuse tensions between themselves and implement the Dakar Agreement;

(i) The Government of the Sudan and all other parties to the conflict in Darfur should cooperate with the International Criminal Court, consistent with resolution 1593 (2005), and bearing in mind the presidential statement of 16 June 2008 (S/PRST/2008/21).

IV. Chad

A. Background and context

75. The Security Council's visit to Chad aimed at stressing the Council's commitment to help the Chadian authorities to protect refugees from Darfur, internally displaced persons and other vulnerable civilian populations and facilitate the delivery of humanitarian assistance in eastern Chad and the north-eastern Central African Republic, through the deployment of a multidimensional presence in those areas. Its aim was also to demonstrate the Council's support for the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union operation in Chad and the Central African Republic (EUFOR), and to recall that the Council had requested the Secretary-General to report to it in September, after due consultations with the Governments of Chad and the Central African Republic, on the arrangements for following up EUFOR, including a possible United Nations operation, depending on the developments in the situation.

76. The Council further wished to reiterate its conviction that a reduction in tensions between the Governments of the Sudan and Chad is essential for lasting regional security and to call on both Governments to abide by their obligations under the Dakar Agreement of 13 March 2008, the Tripoli Agreement of 8 February 2006 and other bilateral agreements. It sought to recall the Council's condemnation of the continuing activity of rebel armed groups in Chad, and to urge all concerned parties to respect the Syrte Agreement of 25 October 2007. It also aimed at encouraging the Chadian authorities to persevere in promoting political dialogue with respect to the constitutional framework, as initiated by the agreement of 13 August 2007.

77. In Chad, the Security Council mission, led by the Permanent Representative of France to the United Nations, Ambassador Jean-Maurice Ripert, visited Abéché, Goz Beida and N'Djamena. In Abéché, the mission was briefed by the Special Representative of the Secretary-General, Victor Da Silva Angelo, and General Jean-Philippe Ganascia on the deployment of MINURCAT and EUFOR. In Goz Beida the mission met with the Governor and non-governmental organizations, visited the refugee camp of Djabal and the internally displaced persons camp of Goroukoun, and met with the population. In N'Djamena the mission had a meeting with the Prime Minister, Youssouf Saleh Abbas. The Minister for Communication, the Secretary of State for Foreign Affairs and the Special Representative and Director General for the Coordination nationale d'appui à la force internationale took part in the meeting.

B. Meeting with the Governor of Goz Beida

78. In introductory remarks, the Security Council mission noted that it was in Chad to demonstrate the Council's commitment to supporting national efforts to protect refugees from Darfur, internally displaced persons and other vulnerable civilian populations and facilitate the delivery of humanitarian assistance. The members observed that they were aware of the burden, in particular with regard to access to water and natural resources, that the massive presence of refugees and internally displaced persons entailed for local communities and authorities. For that reason the Security Council had authorized the deployment of MINURCAT to complement efforts by the Government of Chad in providing security for humanitarian relief. Another objective of the mission was to discuss with the Government the importance of promoting human rights and the rule of law and how to improve relations between Chad and its neighbour, the Sudan.

79. The Governor of Goz Beida acknowledged the importance of the Security Council visit to Chad and Goz Beida. He stressed that it was critical for the Council to see for itself the humanitarian situation resulting from the conflict in Darfur. It was critical to mobilize the international community to address the plight of the affected population.

80. The Governor said that the visit would enable the Council to measure the capacity of the Government of Chad in providing assistance to the refugees and the internally displaced persons. This would in turn assist in identifying areas that would need to be strengthened by the international community in empowering the Government to assist those in need. The Governor then identified the various security challenges faced by the men and women providing humanitarian assistance to the refugees and the internally displaced persons. Emphasizing that the security of those in the camps was first the responsibility of the Government of Chad, the Governor commended the deployment of EUFOR and MINURCAT. He urged an expeditious completion of the deployment of those missions.

81. The Governor emphasized the need to address the root causes of the problems rather than just addressing the consequences. He emphasized that the situation in eastern Chad was a direct consequence of the crisis in Darfur and that Janjaweed militia and other armed groups supported by the Sudan kept attacking the population and attempting to destabilize Chad. He expressed the view that as long as this was

not fully taken into consideration, the mediation efforts between the two countries could not succeed.

C. Visit to the camps

82. Accompanied by the Deputy Special Representative of the Secretary-General, Rima Salah, the Council visited two camps, one hosting refugees from Darfur and the other hosting Chadian internally displaced persons. At the Djabal camp for Darfur refugees, the mission visited a hospital and a nutritional centre serviced by the United Nations and other humanitarian agencies and non-governmental organizations. The mission also interacted with the refugees, women and the leadership of the refugees headed by the *Umdaf* (elder).

83. The mission informed the refugees of its visit to Darfur and discussions with the Government of the Sudan, including President Al-Bashir. The international community was aware of the plight of the refugees and was working to address their concerns. The deployment of MINURCAT and EUFOR aimed at providing security to all categories of vulnerable populations and to humanitarian workers.

84. Speaking on behalf of the refugees, the *Umdaf* decried the killing of many people in Darfur. He said that many of their homes had been burned and their land taken away. The Government of the Sudan had now settled Arabs from Egypt, the Niger and Mauritania in their land and given them Sudanese nationality. Refugees demanded that UNAMID should rapidly deploy its troops in Darfur. They further demanded that the Janjaweed militias belonging to the Government of the Sudan should be disarmed and that all Government troops should be removed from Darfur. The *Umdaf* further urged the creation of an autonomous regional government for Darfur. He said the refugees did not recognize the recent census undertaken in the Sudan as it excluded most Darfurians.

85. Several women narrated their harrowing experiences in Darfur. Many of their children had been killed, their girls had been raped and they had been separated from their families. They wanted to go back to their land and to their homes but there was no security. They acknowledged the security provided by the Government of Chad and the humanitarian assistance from the United Nations and non-governmental organizations.

86. At the camp of internally displaced persons of Goroukoun, the population explained the various attacks by the Janjaweed that had rendered them homeless in their country. They expressed appreciation to the Government of Chad for the assistance provided to them. They noted that they were still subject to attacks and appealed for protection by MINURCAT and EUFOR.

D. Meeting with humanitarian agencies and non-governmental organizations

87. The Council mission met with representatives of United Nations agencies and non-governmental organizations working in Goz Beida. The mission commended them for the remarkable work they were doing under difficult circumstances.

88. The humanitarian agencies apprised the mission of their work in Goz Beida, which included protection of women from sexual exploitation, provision of health facilities and distribution of food. They expressed alarm at the deterioration in security, noting that several humanitarian workers had been killed. The proliferation of weapons had increased criminality and insecurity and humanitarian workers were increasingly targets. Since the beginning of 2008, 26 vehicles had been stolen and two humanitarian workers killed. The weakness of enforcement of law and order and a weak judiciary system promoted impunity. These further limited humanitarian space. They emphasized the need for MINURCAT and EUFOR to quickly deploy and protect humanitarian workers and refugee and internally displaced person camps. They urged the international community to provide support to the Government of Chad to increase its capacity to maintain law and order in eastern Chad.

89. Responding to questions from Council members, the humanitarian agencies noted the difficulty in promoting the reintegration of the internally displaced persons as all the communities were now competing for limited resources. The area of Goz Beida, originally inhabited by 7,500 people, was now home to more than 68,000 people, including refugees and internally displaced persons. With the increasing attacks in Darfur, the number of refugees had increased dramatically, without an increase in resources provided for humanitarian assistance. They were worried that humanitarian funding was diminishing because of competing global needs.

E. Meeting with the Prime Minister

90. In N'Djamena, the mission met with the Prime Minister of Chad, Youssouf Saleh Abbas, since the President, Idriss Déby Itno, had to attend an urgent meeting abroad on the day of the mission's visit. President Déby offered to meet the mission the following morning, but the tight schedule of the mission in the Democratic Republic of the Congo did not permit it to postpone its departure from Chad.

91. In its presentation, the mission reiterated its affirmation of the sovereignty and integrity of Chad's borders. The Security Council had condemned the rebel attacks on N'Djamena in February and the activities of illegal armed groups. The Council had also encouraged Chad to build on the agreement of 13 August 2007 to promote political dialogue with the unarmed opposition. The mission briefed the Prime Minister on its mission to Goz Beida and the humanitarian messages it had received there. They commended Chad for the assistance provided to the Darfurian refugees. Through MINURCAT, the United Nations would intensify its efforts at protecting the refugees and humanitarian workers. The mission would transmit the humanitarian message to the Council as it would be useful in discussions on the mandate of MINURCAT in September. The mission welcomed the upcoming meeting on the follow-up to the Dakar Agreement between Chad and the Sudan. It was encouraging that the Government of Chad had condemned the JEM attack on Omdurman. They urged Chad to distance itself from rebel movements for the sake of regional security.

92. The mission members noted that they had conveyed the same message to the Sudan. They encouraged the Government of Chad to use its leverage with some

movements to have them engage in the talks led by the African Union-United Nations mediation.

93. The Prime Minister lauded resolution 1778 (2007) and reaffirmed his Government's commitment to working with MINURCAT and EUFOR. The Government of Chad welcomed the unique approach of co-deployment of Chadian Gendarmes. Chad had suffered from the repercussions of the conflict in Darfur. Chad reiterated its willingness to improve its brotherly relations with the Sudan. The Government had condemned the rebel attack on Omdurman, and the Prime Minister was emphatic that his Government had not supported the rebels. Moreover, the rebel attack did not proceed from the Chadian border thus absolving his Government from any involvement. On relations between the two countries, the Prime Minister noted that Chad was not the source of the severance of relations as the Sudan had taken a unilateral decision to break diplomatic relations. The Government of Chad was committed to the African Union-led mediation and had always sent a high-level delegation (Foreign Minister) to the meetings. The Foreign Minister added that it was the Government of the Sudan that had not shown any commitment to the mediation process. He further noted that the full implementation of the Dakar Agreement would be a first step in promoting good relations between the two countries. On the issue of refugees and internally displaced persons, he noted that the global food crisis was causing considerable strain on the Government of Chad. In some cases, the refugees had better living conditions than those of the local people. He appealed for assistance from the international community to support the refugees and the local communities hosting them.

F. Recommendations

94. The Security Council mission recommends the following:

(a) The Security Council should reaffirm its full support to MINURCAT and EUFOR which play a key role in protecting refugees from Darfur, internally displaced persons and other vulnerable civilian populations. It should encourage the Secretary-General to deploy MINURCAT as quickly as possible;

(b) When it examines the arrangements for following up EUFOR, including a possible United Nations operation, the Council should take fully into account the call from the people in Chad for increased security in the eastern part of the country;

(c) The international community and the Chadian authorities should increase their humanitarian assistance and support for the populations in eastern Chad. The Chadian authorities should take further steps to address the continued prevalence of sexual violence and to fight against impunity;

(d) The Security Council should encourage the Government to build upon the agreement of 13 August 2007. The Government should persevere in promoting political dialogue, in the framework of the Chadian Constitution;

(e) The Security Council should continue to call on Chad and the Sudan to implement their commitments under the Dakar Agreement, and in this respect sever ties with rebel groups operating on both sides of the border.

V. Democratic Republic of the Congo

A. Background and context

95. The ninth mission of the Security Council to the Democratic Republic of the Congo was conducted some 18 months after the holding of national elections in December 2006. During that period, the Democratic Republic of the Congo made progress in addressing the challenges it faces in consolidating peace in the eastern part of the country and establishing the conditions for democracy, recovery and sustainable development. One of the key objectives of the Security Council mission to the Democratic Republic of the Congo was to reaffirm its support to the Government in its efforts to consolidate peace and stability in the eastern Democratic Republic of the Congo and promote recovery and development in the country. The Security Council also aimed at expressing support for the Government's efforts to pacify the eastern part of the country through the implementation of the Goma and Nairobi processes, and expressed its concern regarding the humanitarian situation in the eastern Democratic Republic of the Congo, the continuing prevalence of gender-based violence and human rights abuses and the necessity to put an end to the recruitment of children, in particular by armed groups. The Council was encouraged by the steady improvement in the relationship between the Democratic Republic of the Congo and its neighbours.

96. The Security Council mission, led by the Permanent Representative of France to the United Nations, Ambassador Jean-Maurice Ripert, visited Kinshasa and Goma. In Kinshasa, the mission met with the President, Joseph Kabila Kabange; the Prime Minister, Antoine Gizenga; the Minister of State; the Minister of the Interior, Decentralization and Security; the Ministers for Foreign Affairs and International Cooperation, National Defence and Former Combatants, Justice and Human Rights; the Minister for Gender, the Family and Children; and the Minister for Mines. The mission also met with the President of the Senate, Léon Kengo wa Dongo, and the Speaker of the National Assembly, Vital Kamerhe, and the bureaux of those institutions, including members of the parliamentary opposition.

97. The mission met in Goma with the Governor of North Kivu Province, Julien Paluku, the Chairman of the Provincial Assembly and senior members of the provincial administration. The mission also met the National Coordinator of the Amani Programme, Abbé Apollinaire Malu Malu, and members of the Mixed Technical Commission on Peace and Security, including the European Union Special Representative for the Great Lakes, Roeland van de Geer, and the Special Adviser to the United States Assistant Secretary of State for African Affairs, Timothy Shortley, in their capacity as members of the international facilitation mechanism for the Amani Programme. The mission also visited the Mugunga II camp of internally displaced persons, some 40 kilometres from Goma, and met separately with local civil society organizations.

98. The mission was briefed in Kinshasa and Goma by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The Special Representative of the Secretary-General for the Democratic Republic of the Congo, Alan Doss, accompanied Security Council members throughout their visit to the Democratic Republic of the Congo.

99. The Council was encouraged by the steady improvement in the relationship between the Democratic Republic of the Congo and its neighbours. While many challenges remain, the mission noted that the Government had successfully launched complex peaceful political processes aimed at restoring peace in the eastern Democratic Republic of the Congo, established a priority programme for stabilization and recovery and taken meaningful steps towards improving its bilateral relationships with Rwanda and Uganda. Nevertheless, those developments still need to be fully implemented on the ground and pass the reality check.

100. Some progress had also been made in defining a framework and critical path for army reform and ensuring the delivery of peace dividends to the population, through the gradual implementation of the "cinq *chantiers*" (five priority areas) recovery programme and the adoption of a legal framework aimed at enhancing economic efficiency, including the privatization of State-owned enterprises. While the mission's interlocutors acknowledged that the results achieved so far had not yet met the expectations of the population they reaffirmed their commitment to pursuing those efforts in close cooperation with international partners. It was also acknowledged that the recent worldwide increase in the prices of basic food products had had an additional negative impact on the socio-economic situation.

101. On the legislative front, the National Assembly and Senate are working closely towards establishing the legal framework necessary for the implementation of Government priorities, democratic governance and the promotion of human rights. The Parliament had also been active in exercising its oversight function. In that regard, the National Assembly and Senate had launched several inquiry commissions, including an investigation into the violence in Bas-Congo in March 2008. Parliament is scheduled to evaluate the implementation by the Government of various parliamentary recommendations.

102. The Government of the Democratic Republic of the Congo also expressed its commitment to the deepening of democracy at the national and local levels, including the holding of local elections in 2009, and addressing the plight of women and children victims of sexual and gender-based violence and continued human right abuses, by fighting impunity. In that regard, the mission welcomed the successful collaboration of the authorities of the Democratic Republic of the Congo with international justice mechanisms, in particular the International Criminal Court.

103. While the mission's discussion with its interlocutors often focused on the security situation in the eastern Democratic Republic of the Congo, it was frequently reminded of the linkages that exist between the situation in that part of the country and the other critical challenges faced by the Government. In this regard, the Council mission was encouraged by the Government's determination to accelerate critical reforms, in particular security sector reform, justice reform and strengthening democratic institutions, through the establishment of a legal framework for the activities of the political opposition and the commitment to hold local elections in 2009.

B. Meetings with the President, the Government and parliamentary institutions

Political situation

104. President Kabila, the Prime Minister and members of the Government reassured the mission of their determination to rapidly consolidate peace. The President noted that the political situation in the Democratic Republic of the Congo was "good". In recent months, the Government had strengthened efforts to finalize the establishment of State institutions. The legal framework for decentralization would be shortly adopted by the National Assembly and the Senate. A Joint Parliamentary Commission had been established in that regard. The next step would be the establishment of the legal framework and necessary conditions for the holding of the local elections, which the Government expects to hold in 2009.

105. The National Assembly and the Senate echoed President Kabila's remarks in noting that the Parliament was working closely with the Government in establishing the legal framework necessary for several important reforms. While capacity limitations and institutional constraints remained, the Government expressed its commitment to pursuing efforts to implement justice and security sector reform. The Government was also working closely with the Parliament to establish a legal framework for the financing and activities of the political opposition, which should serve to underpin efforts to deepen democracy. The President explained that the law on the status of the opposition would be promulgated shortly. The promulgation of the law on the opposition would allow the opposition to designate its spokesperson.

106. Representatives of the opposition acknowledged that democratic practice in the Democratic Republic of the Congo had improved and that parliamentary work had been instrumental in promoting a constructive dialogue between the ruling coalition and opposition parties. Additional progress was however required in this regard. Opposition members also called for additional Government guarantees regarding freedom of expression and association. They noted that while the legislative framework for political opposition activity was adequate, additional efforts were required concerning its implementation. There was also a need to reinforce the independence of the judiciary.

107. Members of the Mouvement de libération du Congo opposition party expressed concern at the arrest in Belgium of their leader, Jean-Pierre Bemba, following a warrant of the International Criminal Court. The leader of the Security Council mission stressed that the International Criminal Court is an independent institution and that it had acted as such. He reminded his interlocutors that the Security Council in its resolution 1794 (2007) had encouraged the Congolese authorities to cooperate in international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law.

The situation in the eastern Democratic Republic of the Congo

108. President Kabila echoed the Security Council's concerns regarding the critical humanitarian and human rights situation in the eastern Democratic Republic of the Congo, where, as a result of the insecurity created by the presence of armed elements, in particular the ex-FAR/Interahamwe, incidents of gender-based violence and the recruitment of child soldiers continue unabated. The President stressed his Government's commitment to ending the presence and activities of armed groups in

the eastern part of the country, through the full implementation of the Goma and Nairobi processes. The meeting organized by the Government in Kisangani with leaders of some FDLR groups, with the objective of prompting the disarmament and repatriation or de-localization of some FDLR combatants, was a positive step forward. Some members of Parliament relayed the concerns of their constituents regarding the possible relocation of FDLR elements in their region.

109. While the President expressed confidence in the prospects for a peaceful resolution of the crisis in the Kivus, he noted however that the military option "remained open" to tackle elements, in particular FDLR, that might continue to oppose the peace process. He also acknowledged that the peace processes under way in the Kivus were complex and would take time to produce the expected results.

110. The President explained that the administration of justice was necessary to reinforce the reconciliation processes already under way. He reaffirmed the commitment of the Democratic Republic of the Congo to continue to collaborate closely with the International Criminal Court and stressed that justice was a necessary step towards peace and stability. The issuance of an arrest warrant against Ituri militia leaders had been instrumental in moving forward the peace process in that region. It was hoped that other arrest warrants would have similar effects on the situation in the Kivus. For its part, the Government was in the process of adopting an amnesty law, as agreed during the Goma Conference. It would also recruit and train some 2,500 magistrates, who would be deployed to support stabilization efforts in the eastern Democratic Republic of the Congo. Their deployment would also help to strengthen the Government's capacity to implement the law adopted by the Parliament in July 2006 to address sexual and gender-based violence, including the provision of assistance to victims.

Regional relations

111. The President and his Government reaffirmed their commitment to pursuing efforts aimed at improving bilateral relationships with Rwanda and Uganda. The President noted that the relationship of the Democratic Republic of the Congo with Uganda had markedly improved. President Kabila and President Museveni met in Dar es Salaam on 12 May 2008 to reaffirm their commitment to collaborate on issues of common concern. With regard to the relationship of the Democratic Republic of the Congo with Rwanda, there had been increased contacts between the two countries since the signing of the Nairobi joint communiqué on 9 November 2007. President Kabila noted that progress towards the re-establishment of full diplomatic relations between the Democratic Republic of the Congo and Rwanda would be gradual. A first step would be the establishment of diplomatic representations in Goma and Gisenyi, which would eventually be followed by the opening of embassies in Kinshasa and Kigali. The process would very much depend on improvements in the situation in the eastern Democratic Republic of the Congo. The mission also learned of the initiatives taken by the Senate and National Assembly of the Democratic Republic of the Congo to engage in parliamentary diplomacy with neighbouring countries. Those contacts had been useful in complementing the Government's efforts to improve its relationship with neighbouring countries.

Lord's Resistance Army

112. Regarding the Lord's Resistance Army (LRA), President Kabila considered that, despite the commendable mediation efforts of the President of Mozambique, Joaquim Chissano, there remained little prospect for a negotiated settlement. The Democratic Republic of the Congo was no longer prepared to tolerate the activities of Joseph Kony and his combatants who routinely harassed local populations, including the raping and abduction of women and children. It was now necessary to pursue a military option, to put an end to LRA activity in the region. The President added that the Democratic Republic of the Congo had initiated contacts with the Governments of Uganda and Southern Sudan in that regard. MONUC stressed that it was limited in its capacity to deal with the LRA issue.

MONUC and international support for the Democratic Republic of the Congo

113. During its meetings with Congolese interlocutors, the mission also reiterated the commitment of the Security Council to accompany, through MONUC, the Government in its efforts to bring about long-term peace and recovery. Government progress in that regard would allow for the evolution of the MONUC mandate and its eventual withdrawal. President Kabila and the mission's other interlocutors stressed that the relationship between MONUC and the Congolese authorities was good. While the President explained that he did not expect MONUC to be involved in the national elections to be held in 2011, he stressed the need for MONUC to maintain a military presence in the eastern Democratic Republic of the Congo until the humanitarian and security situation in that region was addressed. This should remain the priority of MONUC for the next 18 months. He added that the United Nations, through its funds, agencies and programmes, would have an increasing role to play in assisting the Government with its reconstruction, development and infrastructure rehabilitation efforts.

C. Meetings in Goma

Background and context

114. The challenges facing the Democratic Republic of the Congo in consolidating peace and recovery are particularly acute in the Kivus, which have borne the brunt of the conflict. The costs of the most recent conflict, which erupted in North Kivu in December 2007, when Government forces clashed with the rebel forces of the renegade commander, Laurent Nkunda, are tremendous, including the displacement of hundreds of thousands of people, massive violations of human rights, use of sexual violence as a weapon of war and extensive destruction and looting of property.

115. The Government launched a political process in mid-January 2008 in Goma, which concluded with the signing of *actes d'engagement*, binding the Government of the Democratic Republic of the Congo and Congolese armed groups to a critical path towards peace, including a ceasefire and the military integration or disarmament, demobilization and reintegration of local armed groups, including Nkunda's Congrès national pour la défense du peuple (CNDP) and the PARECO (Coalition of Congolese Patriotic Resistance) Mayi-Mayi group, which is allied with FDLR. At the end of the Goma Conference, several commissions were set up under the Amani Programme, established by the Presidency of the Democratic Republic of

the Congo as the comprehensive framework for the implementation of the agreements reached at the Conference.

116. Ensuring progress in the Kivus is one of the most complex, intricate challenges ever faced by a peacekeeping operation, on a scale never before attempted. Together, the Nairobi and Goma processes represent a framework for action towards eliminating the threat of armed groups; establishing State authority where it is virtually non-existent; beginning to build a legitimate Congolese army and, ultimately, stabilizing the entire region through improved relations between the Democratic Republic of the Congo and its neighbours.

117. It is within this context that the Security Council mission spent the day of 8 June in Goma, North Kivu Province. The mission's objective in visiting Goma was to express its strong support for the positive momentum created by the Nairobi and Goma processes, as well as its solidarity with the plight of the region's 1.6 million internally displaced persons. Members of the mission visited the Mugunga II camp of internally displaced persons, where they experienced at first hand the gravity of the humanitarian crisis that persists in the region. Mission members also met representatives of civil society, including representatives of women's organizations. They asked the Security Council to provide, through MONUC, more security. They underlined the high rate of sexual violence and highlighted the need to fight impunity.

Goma and Nairobi peace processes

118. The mission's interlocutors in Goma, including the Governor of North Kivu and the National Coordinator of the Amani Programme, Abbé Malu Malu, highlighted the challenges faced by the Government in addressing the situation in North Kivu, in particular the insecurity caused by the presence of illegal armed groups and their harassment of the local population. They explained that the armed groups were concentrated in remote forest areas where they preyed on the local population, committing acts of sexual violence against women and children, imposing tax levies and looting agricultural produce. Many of the groups were divided along ethnic lines, which had exacerbated tensions among communities in the region.

119. The Governor of North Kivu and the Coordinator of the Amani Programme explained that in recent months the Government had adopted a two-pronged strategy to address the problem caused by the armed groups and establish security in the region. At the regional level the Government had engaged in the Nairobi process, which provides for a common Democratic Republic of the Congo-Rwanda approach in dealing with the threat posed by the ex-FAR/Interahamwe. In December 2007, the Democratic Republic of the Congo transmitted to Rwanda a detailed plan of action in that regard. Much progress has been made in implementing the plan, including the launch of a comprehensive sensitization campaign on the ground and the holding of a meeting in Kisangani with some ex-FAR/Interahamwe groups to discuss the modalities for their disarmament and repatriation to Rwanda, or relocation away from the Democratic Republic of the Congo-Rwanda border.

120. At the national level, the Government had held the Goma Conference in January 2008, and subsequently launched the Amani Programme to address the threat posed by Congolese armed groups. Following the conclusion of the Conference, follow-up mechanisms, including the Mixed Technical Commission on

Peace and Security, had been established and were functioning on a daily basis. Abbé Malu Malu echoed the view of members of the international facilitation mechanism in noting that all of the participants in the Amani Programme, including the armed groups and Nkunda's faction, had so far demonstrated good will in working together. The Amani Programme however faces a number of challenges, including a lack of resources for the implementation of some of its initiatives. Furthermore the slow progress on reaching an agreement with the armed groups on the modalities for disengagement and *brassage* remains an issue of major concern.

121. The Governor also cited the refusal of certain hard-line Rwandan armed groups to join the peace process as an obstacle to progress. He called on the Security Council to strengthen its sanctions against the ex-FAR/Interahamwe and Congolese armed groups that refuse to join the Goma process. He deplored the fact that ex-FAR/Interahamwe leaders were allowed to intervene on international radio networks.

Humanitarian situation

122. The mission's interlocutors also highlighted the grave humanitarian situation in the region, including the presence of some 1.6 million internally displaced persons, 70 per cent of whom lived with host families in local communities. The Governor noted that while there had been no major ceasefire violations by the armed groups in recent weeks, incidents of harassment of the population, including acts of sexual violence, had increased. The mission and its interlocutors condemned the attack on an internally displaced person camp by FDLR elements on 4 June. The mission expressed its support for the stabilization strategy pursued by MONUC and highlighted the need for local ownership of the process.

123. The mission experienced at first hand the dramatic humanitarian situation in the Kivus during its visit to the Mugunga II camp, which houses some 10,000 internally displaced persons from the Sake area. Most of them came to the camp in September 2007 following clashes between Nkunda's CNDP and the armed forces of the Democratic Republic of the Congo. The internally displaced persons expressed the desire to return to their communities of origin and called for improvements in the security of the region, in particular the disarmament of armed groups. They also deplored the living conditions in the camp, including the limited food rations they received, 6 kg per person per month.

International support to peace consolidation in the Kivus

124. The mission's interlocutors, including MONUC and members of the international facilitation mechanism for the Amani Programme, called for the mobilization of additional international support for the Goma process. They also urged the Security Council mission to consider providing MONUC with a "surge capacity" that would include additional force enablers, the intelligence capacity necessary to tackle the problem of armed groups, and a short-term "special forces" military capacity, which would enhance the ability of MONUC to support the efforts of the Democratic Republic of the Congo to disarm recalcitrant militias and implement its mandate to protect civilians. All of the mission's interlocutors acknowledged that capacity of MONUC was overstretched. Local interlocutors in the Kivus also echoed President Kabila's concern that the Security Council should

maintain a robust MONUC presence in the eastern Democratic Republic of the Congo until the security situation was fully stabilized.

125. The mission's interlocutors also raised the possibility of appointing a "human rights observer" for the eastern Democratic Republic of the Congo, as proposed by some international non-governmental organizations. Abbé Malu Malu, while agreeing in principle with the proposal, stressed the need for national ownership of such a process. He suggested that the international community explore the possibility of supporting a human rights monitoring entity led by Congolese civil society.

Local elections

126. In Goma the mission also discussed the local elections with Abbé Malu Malu in his capacity as Chairman of the Independent Electoral Commission. He thanked the Council for providing MONUC with the mandate to provide support to the local elections, which he expects to be held in 2009. He highlighted a number of challenges, including the need to accelerate the building of local electoral capacity, including training of key personnel and the establishment of credible electoral dispute resolution mechanisms. He also informed the mission of the Government's decision to update electoral lists, which he anticipated would add some 6 million eligible electors to the electoral roll.

D. Recommendations

127. Following the consultations held with various interlocutors, the Security Council mission makes the following recommendations:

Goma and Nairobi processes

(a) The Security Council, while continuing to prepare for a future gradual drawdown, should keep MONUC capabilities under review to ensure that they support the Mission with the necessary force enablers, tactical intelligence capability, and, where feasible and appropriate, standby special forces capacity to assist the Democratic Republic of the Congo with the implementation of the Goma and Nairobi processes and to address the challenges posed by other foreign armed groups;

(b) The Mixed Technical Commission on Peace and Security should make rapid progress on reaching an agreement on the modalities and timelines for their disengagement and *brassage*; the Congolese armed groups must fully cooperate to this effect;

(c) FDLR, ex-FAR/Interahamwe and other Rwandan armed groups must present themselves without any further delay or preconditions for their disarmament, demobilization, repatriation, resettlement and reintegration. The Governments of the Democratic Republic of the Congo and Rwanda are encouraged to continue implementing their commitments under the Nairobi communiqué to make sure that all conditions are in place to allow this process to advance. The Government and the judiciary should take appropriate measures against the armed groups that continue to prey on the local population and perpetrate acts of sexual

violence; the Government should also take further steps to put an end to the recruitment of children, in particular by armed groups;

(d) The international community should be encouraged to increase its support to the implementation of the Goma process, including the provision of financial resources and the establishment of a capability for human rights monitoring, including a strong local ownership dimension;

Security sector reform

(e) The Government should pursue and intensify its efforts aimed at reforming and restructuring the army, including the integration of coherent units; the reform of the military command structure needs to be accelerated;

(f) In this context, a more systematic effort is required to put an end to impunity within the ranks of the security services, by bringing to justice the alleged perpetrators of human rights violations among military and police personnel;

(g) The international community should be encouraged to increase its support to security sector reform in the Democratic Republic of the Congo, including through contributing to the establishment of a rapid reaction force, as proposed by the Government of the Democratic Republic of the Congo;

Sexual and gender-based violence

(h) The Government should take further steps to address the continued prevalence of sexual violence in the Democratic Republic of the Congo, including taking urgent action to end impunity within the armed forces;

Local elections

(i) The Government should establish as soon as possible a clear timeline for the local elections, including an assessment of support requirements.

VI. Côte d'Ivoire

A. Background and context

128. The objective of the Security Council mission was to acknowledge the progress made by Ivorians in the implementation of the Ouagadougou Political Agreement under the Facilitation of the President of Burkina Faso, Blaise Compaore, and with the accompaniment and support of the United Nations. The mission noted in that regard a relaxed political and security environment marked by a renewed confidence by all Ivorian stakeholders in the Ouagadougou Political Agreement, and a significant acceleration of the preparations for the elections. Indeed, commendable progress has been made in recent months in Côte d'Ivoire against the timeline envisaged in the Ouagadougou process, beginning with the consensus reached among all the parties on the date for the first round of the presidential election, set for 30 November 2008. This development was made possible by the signing, by President Gbagbo, of a number of decrees pertaining to the electoral process, and is supported by other major achievements obtained since the signing of those decrees, notably the completion of the mobile courts operations

on 15 May, with a total of 515,000 duplicate birth certificates granted, and the official launching, in mid-May, of the reconstitution of lost or damaged civil registers, a process expected to last four months. Moreover, the voter registration process is now due to be launched on 1 July, and a provisional list should be ready by 31 August, before the official publication of the final list on 15 November 2008.

129. Progress has also been made on the security front, albeit of limited scope compared to the electoral process, and the Security Council took note in particular of the completion of the cantonment of the Ivorian Defence and Security Forces and of the launching of the process in the areas controlled by the Forces nouvelles. The mission's interlocutors noted positive developments such as the lifting of the zone of confidence and the gradual removal of the observation points along the green line, as well as the redeployment of State administration throughout the country. They commended the fact that the parties are now moving freely throughout the territory, conducting electoral campaigns and sensitization on the peace process. Some of the remaining challenges mentioned during the meetings of the Security Council in Abidjan included the security of the electoral process, the inclusiveness of the peace process, in particular for the civil society, the transparent implementation of the processes of disarmament, demobilization and reintegration and disarmament and dismantling of the militias, but more importantly the funding of the electoral process, which could unravel all the significant efforts made by the parties to overcome political obstacles over the past 12 months.

130. In Abidjan, the mission, led by the Permanent Representative of Burkina Faso to the United Nations, Ambassador Michel Kafando, met with the President, Laurent Gbagbo; with a delegation from the Forces nouvelles led by General Soumaila Bakayoko; with the Special Representative of the Facilitator, Boureima Badini; with the Chairman of the Independent Electoral Commission, Beugre Mambé; with the Chiefs of Staff of the Ivorian Defence and Security Forces and of the Forces nouvelles, Generals Philippe Mangou and Soumaila Bakayoko; with the leader of the Rassemblement des républicains, Alassane Ouattara; with representatives of the National Institute of Statistics and the technical operator for the identification and voter registration, SAGEM; with a delegation from the Convention de la société civile ivoirienne led by its Coordinator, Patrick N'Gouan; with the Force Commander of Licorne, General Bruno Clément-Bollée; and with the leadership of the United Nations Operation in Côte d'Ivoire (UNOCI), led by the Special Representative of the Secretary-General, Choi Young-Jin. The Minister for Foreign Affairs, Youssouf Bakayoko, and the Permanent Representative of Côte d'Ivoire to the United Nations, Ambassador Alcide Djédjé, participated in the meeting between the mission and the President.

131. The mission commended the continued efforts by the Ivorian political leaders to sustain the momentum created by the signing of the Ouagadougou Political Agreement in March 2007, as well as the renewed commitment of the parties to maintain ownership of the peace process, under the facilitation of President Compaore of Burkina Faso, and with the accompaniment and support from UNOCI and the impartial forces. The mission also stressed the importance of a final and durable settlement of the crisis and urged its Ivorian interlocutors to ensure the full implementation of the Ouagadougou Political Agreement, in particular meeting the benchmarks leading to the organization of open, free, fair, credible and transparent elections on 30 November 2008. In this regard, they encouraged the Ivorian political leaders to ensure that the peace process remains inclusive, in particular by involving

civil society, and to create the conditions for a secure electoral process, with the assistance of the impartial forces. The mission also recalled the importance of the certification of all stages of the electoral process by the Special Representative of the Secretary-General.

B. Meeting with the President

132. During his meeting with the Security Council mission, President Laurent Gbagbo commended its members for their continued interest in the Ivorian peace process and reiterated his intention to organize the presidential election on 30 November 2008, in spite of the difficulties encountered, mainly resulting from the lack of funding. He thanked the international community, in particular the Special Representative of the Secretary-General and the Special Representative of the Facilitator, for the efforts made so far in supporting the Ivorian institutions in the preparations of the elections, but urged them at the same time to impress on the technical operators involved in the electoral process, namely the Independent Electoral Commission, the National Institute of Statistics and SAGEM, to ensure that they meet the 30 November 2008 deadline for the elections. Now that the relevant decrees had been adopted, and a first payment made by the end of May to SAGEM by the Government, the President considered that the onus was on them to expedite the preparation of the elections. He further stated that, as illustrated by the SAGEM case, the Government of Côte d'Ivoire had made significant sacrifices to honour its payment of the technical operator, although it was an expensive process, and should be supported accordingly by the donor community.

133. The President called on the international community to exercise flexibility to better understand the rationale behind the juxtaposition of various commissions and operators involved in the electoral process, an option that was aimed from the beginning at enhancing the confidence of all Ivorian parties in the peace process. He insisted that this consensual approach was linked to his and the Government's priority to proceed with elections on the basis of a transparent, credible voters' roll. He further stressed that, until the signing of the Ouagadougou Political Agreement, the Ivorian crisis was dominated by political bickering rather than armed confrontation, and that he was therefore confident that security was no longer an issue for the electoral process, in particular given the presence on the ground of UNOCI and the Licorne forces, and that the focus should now be on the mobilization of financial resources, to assist the Government to meet its obligations vis-à-vis the French technical operator SAGEM and support the cantonment process of former combatants. The President also reiterated his acceptance of the five-criteria framework for the certification proposed by the Special Representative of the Secretary-General, and encouraged him to continue to play a constructive role among various stakeholders to ensure that elections were held on time, and on the basis of criteria acceptable to all parties.

C. Political and security climate in Côte d'Ivoire

134. The mission commended the Ivorian political leaders for the improved political and security environment in the country since its last visit, in June 2007, and for maintaining ownership of the peace process and the momentum created by the signing of the Ouagadougou Political Agreement, in March 2007. The mission

noted the continued dialogue among the Ivorian political leaders, which had helped them to achieve significant progress on the reunification of the country, on the redeployment of State administration, on the cantonment of the former combatants, and on the electoral process. On this particular issue, the mission commended all the signatories of the code of good conduct for the elections, signed in April 2008 in the presence of the Secretary-General of the United Nations, and urged them to respect their commitment and guarantee an open, free, fair and transparent election.

135. The mission also pointed to the important role and responsibility that the private and State medias have to play in sustaining the positive political environment in Côte d'Ivoire until and after the elections. President Gbagbo disclosed in that regard his intention to urge the State media, in particular the radio and television, to play a greater role in supporting the peace process, by promoting dialogue and organizing political debates ahead of the elections. The mission welcomed this intention, which is in line with a specific request made by the opposition and civil society for more equitable access to State media. The opposition noted in that regard a discrepancy in the allocation of airtime by the Ivorian radio and television between the opposition and the presidential camp. Commenting on this particular concern, the President observed, however, that the access of the opposition to State media and freedom of the press had significantly progressed under his leadership, following the adoption of relevant legislation governing the media. With regard to the specific role of the media during the electoral process, the Special Representative of the Secretary-General indicated that the Government of Côte d'Ivoire was considering measures to ensure that the media are fair and transparent, including by establishing a framework similar to the code of good conduct signed by the political parties.

136. In order to sustain the positive climate that has prevailed since the signing of the Ouagadougou Political Agreement before, during and after the elections, the mission encouraged the key Ivorian political leaders and the Facilitator to consider some of the concerns expressed by civil society, in particular regarding the transparency and inclusiveness of the Ouagadougou political process, and the security of the electoral process. Civil society also proposed the convening of a "national consensus" meeting during which all issues pertaining to the electoral process should be addressed, including the involvement of civil society in the monitoring of the process. The Chairman of the Independent Electoral Commission pointed however to the extremely politicized environment prevailing among the various segments of civil society in Côte d'Ivoire and, while supporting the mission's suggestion for an increased role of civil society, the Commission proposed the adoption of a code of conduct for civil society during the electoral period, before reassuring the mission that it was the Independent Electoral Commission's intention to launch a dialogue with civil society in the coming weeks. The mission also encouraged civil society to assume ownership of the Ouagadougou political process and to continue to support the peace process by, inter alia, sensitizing the Ivorian population on the peace process and promoting social cohesion.

D. The electoral process and the United Nations role in certifying the elections

137. The mission noted the progress made in the preparations for the elections under the leadership of the Independent Electoral Commission at both the political

and technical levels, with the support of UNOCI and of the Special Representative of the Facilitator. The mission noted that a number of important decrees pertaining to the electoral process had been adopted by the Government. The decree defining the modus operandi of the identification and voter registration and the respective roles of SAGEM and the National Institute of Statistics has yet to be promulgated. However, the Chairman of the Independent Electoral Commission indicated that an agreement had already been reached between the two operators on the modus operandi, and that the identification and voter registration process was scheduled to start on 1 July, according to the timetable proposed to the parties by the Commission on the basis of the deadline of 30 November 2008 set for the first round of the presidential elections. The mission welcomed this new timetable which provides for the publication of the provisional voters' list on 31 August, and the final list on 15 November 2008, stressed the responsibility of the Independent Electoral Commission and of the two operators — SAGEM and the National Institute of Statistics — in ensuring the transparency of the voters' lists, and urged them to continue to work closely with UNOCI and the Special Representative of the Facilitator in this respect.

138. With regard to logistical preparations for the elections, the Independent Electoral Commission indicated that 80 per cent of its 415 local branches had already been deployed throughout the country, and that a total of 11,600 commissioners were expected to be deployed in those branches, while the overall staffing requirements for the 22,000 polling stations was estimated at 66,000 personnel who have yet to be identified and recruited. The mission noted however the concerns expressed by the Commission, and echoed by the opposition, the Forces nouvelles and civil society, with regard to the funding gap of $15 million currently facing the electoral process, as well as some specific requests regarding the security of its personnel, the candidates to the elections, and the freedom of movement of the voters during the voter registration, the political campaigns and on the day of the election. The mission called on the United Nations system in Côte d'Ivoire to continue to assist the Ivorian institutions in the mobilization of financial resources for the electoral process, and emphasized the responsibility of the Ivorian authorities, in particular the armed forces, in creating an environment conducive to open, free, fair and transparent elections.

139. The mission reiterated its full support for the role of UNOCI in the certification of the electoral process, and stressed that any contestation of the election results, whether justified or not, could result in a political crisis that would affect the overall credibility of the process, thus justifying the centrality of the certification. The mission expressed its appreciation of the framework proposed by the Special Representative of the Secretary-General for the certification of the electoral process, including the explicit certification of the voters' lists and the results of the elections, and commended in that regard his continued efforts to mobilize consensus among the Ivorian political leaders. In order to effectively support the Special Representative in his task, the two technical operators involved in the preparation of the voters' lists were requested by the mission to submit on a regular basis, through the Independent Electoral Commission, all relevant information and documentation that could inform the Special Representative's certification mandate. Furthermore, to address one of the demands formulated by the civil society, the mission encouraged the Special Representative to continue to sensitize the Ivorians on his framework for the certification of the electoral process.

140. On the security of the electoral process, the Forces nouvelles, civil society and the opposition stressed the important role that the impartial forces are expected to play in securing the electoral process, in the light of the limited progress made in the dismantling of the militias and the disarmament of former combatants. The mission stressed the need for an increased role of the impartial forces in the security of the electoral process, especially since the Ouagadougou Political Agreement does not provide for a complete disarmament, demobilization and reintegration programme before the elections, thus increasing the risks of security incidents during the process. The Special Representative of the Secretary-General and the Force Commanders of UNOCI and the Licorne forces indicated to the mission that a security plan for the electoral process was currently being developed by the leadership of the Defence and Security Forces of Côte d'Ivoire and of the Forces nouvelles, the Integrated Command Centre and the impartial forces, on the basis of a thorough threat assessment which takes these constraints into consideration, and also provides for an enhanced cooperation with the defence and security forces of the neighbouring countries. The mission re-emphasized in its meetings with the Ivorian stakeholders the importance of the criteria defined by the Special Representative of the Secretary-General for the certification of the electoral process, which include the peaceful and secure environment in which all the stages leading to elections should be conducted.

E. Disarmament/dismantling of militias/reunification of the army

141. Although the Ouagadougou Political Agreement and its supplementary agreements provide that the key tasks of disarmament of former combatants, dismantling of the militias and reunification of the Ivorian army should be completed only after the elections, their likely impact on the overall security of the electoral process remains a source of concern. In this regard, civil society stressed that following initial progress in the aftermath of the signing of the Ouagadougou Political Agreement, with the lifting of the zone of confidence and the establishment of the Integrated Command Centre and the mixed brigades, the processes of disarmament, demobilization and reintegration, disarmament and dismantling of the militias and reunification had stalled over political disagreements among the two parties to the Ouagadougou Political Agreement. In the light of the limited progress made on these issues, the Rassemblement des républicains and civil society urged the Security Council to maintain the sanctions regime and the arms embargo until the peace process has become irreversible and the key processes of disarmament, demobilization and reintegration, dismantling of the militias and reunification of the army are completed. Meanwhile all interlocutors called on the Security Council to maintain the current troop levels in UNOCI and Licorne until the elections. During their meeting with the Council mission, the four Generals representing the impartial forces on the one hand, and the Defence and Security Forces of Côte d'Ivoire and the Forces nouvelles on the other hand, emphasized the excellent working relations among their units since the signing of the Ouagadougou Agreement and minimized the risks facing the electoral process in spite of the limited progress on disarmament, demobilization and reintegration, dismantling of the militias and the reunification of the two forces.

142. The Chiefs of Staff of the two forces, Generals Mangou and Bakayoko, emphasized in that regard the progress made on the cantonment of the former

combatants and on the storage of weapons, in spite of the funding shortages experienced by the Forces nouvelles, and the Special Representative of the Facilitator told the mission that he was confident the cantonment process would be completed within five months and on time for the elections. The Generals also stressed the progress made by the Integrated Command Centre in overseeing the key processes of disarmament, demobilization and reintegration, dismantling of the militias and reunification of the army, and reassured the mission that the Ivorian forces were ready to guarantee the security of the electoral process with the continued support of the impartial forces. In reaction to the mission's concerns about the uncertainty of the dismantling of the militias and the lack of clarity concerning the reunification of the army, the Licorne Force Commander pointed to the responsibility of the Ivorian political leaders, who have yet to agree on the quotas for the reintegration of former Forces nouvelles elements into the new army and on the modus operandi for the reinsertion of former combatants, including the civic service programme.

143. Furthermore, the Generals raised the issue of the redeployment of the fiscal and Customs administrations to the north, currently blocked by the lack of agreement on the fate of the former zone commanders of the Forces nouvelles and on the overall reunification of the army, in spite of specific proposals submitted by the Facilitator in January 2008. On the reunification, however, all interlocutors concurred that it would be more appropriate to defer any decision to the new President, once elected, and to the new administration that will have the responsibility for defining the defence strategy of Côte d'Ivoire. In the light of this mixed background, the mission urged the impartial forces to play a proactive role in securing the electoral process, and in supervising the processes of disarmament, demobilization and reintegration, disarmament and dismantling of the militias and reunification being undertaken or planned by the parties.

F. Socio-economic and humanitarian situation

144. The mission noted the progress made in Côte d'Ivoire in the area of human rights, although the civil society representatives emphasized the continuous trend of sexual and gender-based violence in the country, which constitutes a threat and an obstacle to the freedom of movement of women throughout the territory. The mission therefore urged the Ivorian Defence and Security Forces, the Forces nouvelles and the impartial forces to address these serious concerns, and although the Forces nouvelles claimed that progress made in the implementation of the Ouagadougou Political Agreement over the past 12 months would warrant a lifting of the sanctions regime, the mission stressed that such a decision would be premature, since the Agreement provides for the lifting of those measures after elections are held. All interlocutors pointed to the risks facing the peace process in view of the global food crisis and other socio-economic crises. Both the President and the Forces nouvelles emphasized in particular the precarious humanitarian situation in the central, northern and western parts of Côte d'Ivoire and called on the Security Council mission to urge donors to increase their assistance to reconstructing and rehabilitating social and basic services in the north. Finally, in advocating for longer-term solutions to sustain the peace process beyond elections, civil society leaders urged the international community to address some of the root causes of the Ivorian crisis, not addressed in the Ouagadougou Political Agreement

but crucial to longer-term stability of Côte d'Ivoire, such as land ownership and national reconciliation.

G. Recommendations

145. In the light of the discussions between the Security Council mission and its interlocutors and conclusions drawn from the various exchanges, the mission, while reaffirming the relevance of the elements contained in its terms of reference, recommends:

To the Security Council

(a) That the Security Council continue to support the implementation of the Ouagadougou Political Agreement and the role of the Facilitator and the Special Representative of the Secretary-General for Côte d'Ivoire, including for the certification of all stages of the electoral process;

(b) That the Security Council encouraged all Ivorian parties to stick to the agreed timeline leading to open, free, fair and transparent elections on 30 November 2008 and implement in earnest all outstanding tasks under the Ouagadougou Agreement;

To UNOCI and Licorne

(c) That the Special Representative of the Secretary-General for Côte d'Ivoire certify explicitly the voters' lists and the results of the elections;

(d) That the Special Representative impress on the Government and the technical operators involved in the electoral process the need to meet the deadline of 30 November for the elections;

(e) That UNOCI enhance its sensitization efforts on the framework agreed upon for the certification of the electoral process between the Special Representative of the Secretary-General and the parties;

(f) That UNOCI continue to mobilize potential donors to support the peace process, and in particular to close the $15 million funding gap for the elections;

(g) That UNOCI and Licorne contribute to the security of the electoral process;

To the Ivorian parties

(h) That the Ivorian stakeholders contribute to the creation of an environment conducive to a secure and peaceful electoral process;

(i) That the Ivorian political leaders continue to adhere to the code of good conduct for the elections, and guarantee open, free, fair and transparent elections;

(j) That the Independent Electoral Commission and the technical operators — National Institute of Statistics and SAGEM — ensure that the identification and voter registration processes are transparent and credible;

(k) That the Ivorian political leaders acknowledge the important role that the civil society should be playing in the peace process and assume ownership of the Ouagadougou Political Agreement;

(l) That the Ivorian parties consider the proposal made by the Facilitator regarding the reunification of the army;

(m) That the Ivorian private and State media play a constructive role in the peace process, including by promoting fair, balanced and transparent coverage of the electoral process, and equitable access to media for all the parties.

VII. Conclusion

146. The members of the Security Council mission to Africa wish to acknowledge their appreciation for the opportunity to exchange views with their African partners on a variety of issues before the Security Council. They found the discussions to be very constructive and useful. The Security Council, Ambassadors Kumalo, Sawers, Ripert and Kafando, in their respective capacity as leaders of segments of the mission, would like to collectively place on record their gratitude to their various host Governments and other interlocutors for their hospitality, support and time. They would also like to pay tribute to their Council colleagues, the Secretary-General and his Special Representatives for their proactive participation and for contributing to the successful outcome of the mission. Finally, they wish to express their appreciation to the Secretariat for all its support.

Annex

Composition and terms of the mission*

Composition

Ambassador Olivier Belle (Belgium)

Ambassador Michel Kafando (Burkina Faso)

Ambassador Liu Zhenmin (China)

Ambassador Jorge Urbina (Costa Rica)

Ambassador Ranko Vilović (Croatia)

Ambassador Jean-Maurice Ripert (France)

Ambassador R. M. Marty M. Natalegawa (Indonesia)

Ambassador Aldo Mantovani (Italy)

Ambassador Giadalla Ettalhi (Libyan Arab Jamahiriya)

Ambassador Alfredo Suescum (Panama)

Senior Counsellor Vladimir K. Safronkov (Russian Federation)

Ambassador Dumisani Kumalo (South Africa)

Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland)

Ambassador Alejandro Wolff (United States of America)

Ambassador Le Luong Minh (Viet Nam)

Terms of reference

I. Security Council mission to Africa: Somalia

Led by Ambassador Dumisani Kumalo (South Africa) and Ambassador John Sawers (United Kingdom)

1. To reaffirm the Security Council's respect for the sovereignty, territorial integrity, political independence and unity of Somalia.

2. To reaffirm the Security Council's commitment to a comprehensive and lasting settlement of the situation in Somalia through the Transitional Federal Charter, and to stress the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all, as envisaged in the Transitional Federal Charter.

3. To welcome and encourage the continued efforts of the President, the Prime Minister and the transitional federal institutions to advance the political process and implement the relevant steps of the transitional period, as required by the Transitional Federal Charter, in particular:

* Previously circulated in document S/2008/347.

- the agreement to prepare a timetable for the constitutional process leading to a referendum and free and democratic elections in 2009.
- the presentation of the Reconciliation Strategy of the Transitional Federal Government.
- engagement with clan and local leaders across the country.
- efforts to improve public finance management, including budgetary and fiscal processes.

4. To reiterate the need for agreement on a comprehensive and lasting cessation of hostilities and a road map for the remainder of the transitional process.

5. To express the determination of the Security Council to assist the Somali efforts through a strengthened presence and a more active role of the United Nations, including practical support of the Special Representative of the Secretary-General and the United Nations Political Office for Somalia, in fostering dialogue among Somali parties, contributing to the creation of a stable security environment, and coordinating the United Nations integrated approach towards Somalia.

6. To recognize the contribution that the African Union Mission in Somalia (AMISOM) is making to lasting peace and stability in Somalia, and to highlight the need to provide financial resources, personnel, equipment and services for the full deployment of AMISOM.

7. To express the Council's deep concern at the persistence of violations of human rights and international humanitarian law in Somalia, underlining the need for those responsible to be brought to justice, and to support work to promote and enhance the protection of human rights in Somalia.

8. To register the Council's serious concern at the worsening humanitarian situation in Somalia and to call on all parties and armed groups in Somalia to take appropriate steps to protect the civilian population, to ensure the safety and security of AMISOM, United Nations and humanitarian personnel, and to permit timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need.

II. Security Council mission to Africa: Sudan

Led by Ambassador Dumisani Kumalo (South Africa) and Ambassador John Sawers (United Kingdom)

1. To reaffirm the Security Council's commitment to the sovereignty, unity and territorial integrity of the Sudan and the international community's determination to implement the Comprehensive Peace Agreement and resolve the situation in Darfur.

2. To stress that successful implementation of the Comprehensive Peace Agreement is essential to sustainable peace and stability throughout the Sudan, including Darfur, and in the region and to encourage further cooperation between the National Congress Party and the Sudan People's Liberation Movement in carrying out their responsibilities to further implement the Comprehensive Peace Agreement.

3. To urge the Government of the Sudan to intensify its efforts to resolve the crisis in Darfur, while expressing the Council's deep concern at the ongoing

violence, impunity and consequent deterioration in the humanitarian situation in that region.

4. To reiterate the Security Council's support for the political process under the mediation of the United Nations Special Envoy for Darfur, Jan Eliasson, and the African Union Special Envoy for Darfur, Salim Salim, and to urge all parties to end the violence and engage constructively in a peace process in Darfur with a view to finding lasting peace in the Sudan.

5. To demonstrate the Security Council's profound appreciation of and support for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and its personnel, and to reiterate its call on the Government of the Sudan, donors, troop contributors and all relevant parties to facilitate the full deployment of the force at the earliest opportunity as planned by the Secretary-General.

6. To underline its concern for the security of civilians and humanitarian aid workers and about humanitarian access to populations in need, and to call upon all parties in Darfur to cease offensive actions and allow full, safe and unhindered access of relief personnel to all those in need.

7. To reiterate its conviction that a reduction in tensions between the Governments of the Sudan and Chad is essential for lasting regional security and to call on both Governments to abide by their obligations under the Dakar Agreement of 13 March 2008, the Tripoli Agreement of 8 February 2006 and other bilateral agreements.

8. To underline the need to ensure that all Security Council resolutions are implemented, that the rule of law is upheld in all situations and that due process must take its course.

III. Security Council mission to Africa: Chad

Led by Ambassador Jean-Maurice Ripert (France)

1. To reaffirm the Security Council's commitment to the sovereignty, unity, territorial integrity and political independence of Chad and to the cause of peace in the region, in the context of the ongoing violence and activities of armed groups in Darfur, eastern Chad and the north-eastern Central African Republic.

2. To stress the Council's commitment to help the Chadian and Central African authorities to protect refugees from Darfur, internally displaced persons and other vulnerable civilian populations and facilitate the delivery of humanitarian assistance in eastern Chad and the north-eastern Central African Republic, through the deployment of a multidimensional presence in those areas.

3. To demonstrate the Council's support for the United Nations Mission in the Central African Republic and Chad and the European Union operation in Chad and the Central African Republic (EUFOR), and to recall that the Council has requested the Secretary-General to report to it in September, after due consultations with the Governments of Chad and the Central African Republic, on the arrangements for following up EUFOR, including a possible United Nations operation, depending on the developments in the situation.

4. To reiterate its conviction that a reduction in tensions between the Governments of the Sudan and Chad is essential for lasting regional security and to

call on both Governments to abide by their obligations under the Dakar Agreement of 13 March 2008, the Tripoli Agreement of 8 February 2006 and other bilateral agreements.

5. To recall the Council's condemnation of the continuing activity of rebel armed groups in Chad, and to urge all concerned parties to respect the Syrte Agreement of 25 October 2007.

6. To encourage the Chadian authorities to persevere in promoting political dialogue with respect for the constitutional framework, as initiated by the agreement of 13 August 2007.

IV. Security Council mission to Africa: Democratic Republic of the Congo

Led by Ambassador Jean-Maurice Ripert (France)

1. To acknowledge the primary responsibility of the Government of the Democratic Republic of the Congo to consolidate peace and stability, and to promote recovery and development in the country, which require long-term sustained efforts and appropriate international support.

2. To reaffirm the Security Council's commitment to contribute to the consolidation of peace and stability in the Democratic Republic of the Congo, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), bearing in mind that the Council has requested the Secretary-General to develop benchmarks for a future gradual drawdown of MONUC.

3. To express the Council's strong support for the new dynamic launched by the Nairobi joint communiqué of 9 November 2007 and the Goma conference of 6 to 23 January 2008, which together represent a major step towards the restoration of lasting peace and stability in the eastern part of the Democratic Republic of the Congo and the Great Lakes region.

4. To stress the Council's demand, as made in particular in resolution 1804 (2008), that the militias and armed groups that are still present in the eastern part of the Democratic Republic of the Congo lay down their arms, and to encourage efforts by the Government of the Democratic Republic of the Congo and regional cooperation to this effect, including improved relations between the Democratic Republic of the Congo and the Republic of Rwanda.

5. To urge the Congolese authorities, with the support of other States concerned, especially those in the region, to take appropriate steps to end the illegal trade in natural resources.

6. To call on the Congolese authorities to intensify as a matter of urgency their efforts to reform the security sector, including the army, the police and the justice sector, to welcome in this regard the round table on the reform of the security sector that was held on 25 and 26 February 2008 in Kinshasa and to discuss the way forward.

7. To emphasize the Council's support for the strengthening of democratic institutions, the rule of law, and good governance in the Democratic Republic of the Congo, including through the timely holding of local elections.

8. To encourage further efforts to address the grave humanitarian situation that persists in the Democratic Republic of the Congo, to protect vulnerable civilian populations, to promote and protect human rights and to fight impunity, including with regard to sexual violence perpetrated by armed elements.

V. Security Council mission to Africa: Côte d'Ivoire

Led by Ambassador Michel Kafando (Burkina Faso)

1. To welcome the ownership of the peace process by the Ivorian parties in the framework of the Ouagadougou Political Agreement and its supplementary agreements.

2. To welcome the significant progress made since the signing of the Agreement and its supplementary agreements.

3. To express the Council's support for the activities of the Facilitator, his Special Representative and the Special Representative of the Secretary-General.

4. To further encourage the parties to implement fully and in good faith all the provisions of the Agreement and its supplementary agreements, underline the need to meet the timelines established therein and assure them of the Council's support in that regard.

5. To welcome the signing of regulatory decrees relating to the organization of the elections, in particular setting the date of the first round of the presidential election for 30 November 2008.

6. To urge the Government and the Independent Electoral Commission to resolve promptly the technical issues concerning the elections.

7. To welcome the signing on 24 April 2008 of the Code of Good Conduct by the major political parties in Côte d'Ivoire, and stress the need for it to be observed scrupulously by all the signatories.

8. To call upon the parties to ensure an environment favourable to the holding of free, open, fair and transparent elections, recall the importance of certification of all stages of the electoral process by the Special Representative of the Secretary-General and encourage the Government of Côte d'Ivoire to facilitate the presence of international observers during the elections.

9. To encourage the Government to ensure the security of polling places, voters and the Independent Electoral Commission and the dismantling thereof.

10. To encourage the involvement of civil society in the implementation of the Agreement, in particular the electoral process.

11. To point out that the Council will examine the sanctions regime in the light of developments in the peace process and the elections.

12. To urge the Ivorian parties to ensure the protection of the civilian population, in particular women and children.

13. To commend and encourage the United Nations Operation in Côte d'Ivoire and Force Licorne for their peacekeeping efforts.

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The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 14 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of the violations committed by Israel from 15 to 30 June 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.
Deputy Permanent Representative

08-42520 (E) 170708 210708

Annex to the identical letters dated 14 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and other activities from 15 to 30 June 2008, inclusive

Air violations

On 15 June 2008 between 1605 and 1635 hours, an enemy Israeli military aircraft flew at high altitude over the areas of Tibnin and Bint Jubayl.

Between 1630 and 2010 hours, an enemy Israeli reconnaissance aircraft flew over the areas of Bint Jubayl, Tibnin and Naqurah.

On 16 June 2008 between 2110 and 2120 hours, an enemy Israeli military aircraft flew over the area of Bint Jubayl.

Between 2243 and 2400 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre and circled the area over the sea between Tyre and Beirut before departing over the sea off Naqurah.

On 17 June 2008 between 0645 and 0755 hours, an enemy Israeli reconnaissance aircraft flew over the area of Bint Jubayl.

Between 1445 and 1515 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the Shab'a farmlands, flying north to the area above Hirmil, then west to Tripoli, before returning south and departing over the sea off Zahrani.

Between 1100 and 1300 hours, an enemy Israeli reconnaissance aircraft flew at high altitude over the area of Tibnin.

On 18 June 2008 between 0943 and 1125 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Kafr Killa and flying north to Shikka. They circled the areas of Shikka, Baalbek and Hirmil before returning south and departing over Rumaysh.

Between 1000 and 1125 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the area of Kafr Killa and flying north to Tripoli. They circled the northern region and the Bekaa before returning south and departing over Rumaysh.

Between 1005 and 1135 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the sea off Tyre. They flew east to Marj 'Uyun and circled the southern region and Iqlim al-Kharrub before departing over the sea off Naqurah.

Between 1150 and 1200 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the sea off Sidon and flying east to Jazzin before departing over Rumaysh.

Between 1230 and 1315 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the sea off Sidon and flying east to Jazzin

and as far north as Shikka. They circled the northern region and the Bekaa before returning south and departing over Rumaysh.

Between 1228 and 1345 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Kafr Killa and flying north to Sidon. They circled the southern region and Iqlim al-Kharrub before departing over 'Alma al-Sha'b.

Between 1305 and 1500 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Kafr Killa and flying north to Beirut. They circled the area between Shikka and the south before departing over Rumaysh.

Between 1435 and 1600 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the Shab'a farmlands and flying north to Shikka. They circled the area between Shikka and the south before departing over 'Alma al-Sha'b.

Between 1410 and 1630 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering from over the sea off Naqurah and flying north to Beirut. From the area over the sea off Jounieh, it circled the area between Jounieh and Damur before departing over Naqurah.

On 19 June 2008 between 0900 and 1110 hours, an enemy Israeli reconnaissance aircraft flew over the area of Naqurah.

On 20 June 2008 between 0700 and 0845 hours, an enemy Israeli reconnaissance aircraft flew at high altitude over the area of Tibnin.

Between 2220 and 2340 hours, the sound was heard of an enemy Israeli helicopter flying at high altitude over Wadi 'Ayn al-Zarqa' in the vicinity of Tayr Harfa. It then flew south towards the Palestinian territories.

On 22 June 2008 between 1105 and 1130 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Kafr Killa and flying to the areas over al-Arz (the Cedars), Baalbek and Hirmil before departing over 'Alma al-Sha'b.

Between 1240 and 1235 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Kafr Killa and circling over all regions of Lebanon before departing over Kafr Killa.

Between 2100 and 2230 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Rumaysh and circling the area between Shikka and the south before departing over the sea off Naqurah.

On 23 June 2008 between 1008 and 1125 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over the occupied Shab'a farmlands and circling over all regions of Lebanon before departing over Naqurah.

On 25 June 2008 between 0130 and 0500 hours, an enemy Israeli reconnaissance aircraft flew over the areas of Bint Jubayl and Tibnin.

Between 0745 and 1230 hours, an enemy Israeli reconnaissance aircraft flew over the areas of Naqurah, Bint Jubayl and Tibnin.

Between 1500 and 1630 hours, an enemy Israeli reconnaissance aircraft flew over the area of Naqurah.

On 26 June 2008 between 0010 and 0130 hours, an enemy Israeli reconnaissance aircraft flew over the areas of the Shab'a farmlands and Kafr Shuba.

Between 1005 and 1125 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Kafr Killa and circling over all regions of Lebanon before departing over the sea off Naqurah.

Between 0920 and 1205 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering from over the sea off Damur and circling the area over the sea between Damur and Beirut before departing over the sea off Naqurah.

On 27 June 2008 between 0300 and 0500 hours, an enemy Israeli reconnaissance aircraft flew over the area of Naqurah.

On 29 June 2008 between 1202 and 1400 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering from over Dayr Mimas and circling over all regions of Lebanon before departing over 'Alma al-Sha'b.

Between 1000 and 1200 hours, an enemy Israeli reconnaissance aircraft flew over the areas of Naqurah and Bint Jubayl.

Between 2040 and 2130 hours, an enemy Israeli reconnaissance aircraft flew at high altitude over the area of Hasbayya.

On 30 June 2008 between 0300 and 0500 hours, an Israeli reconnaissance aircraft flew over the area of Naqurah.

Between 0930 and 1320 hours, an Israeli reconnaissance aircraft flew at high altitude over the southern region.

Between 2120 and 2200 hours, enemy Israeli helicopters circled over the occupied Palestinian territories around Duhairah. At 2150 hours, one of the aircraft violated Lebanese airspace opposite the aforementioned village.

Between 2030 and 2250 hours, an enemy Israeli military aircraft flew at high altitude over the areas of Yarin, Tayr Harfa, Tibnin and Bint Jubayl. An enemy Israeli reconnaissance aircraft also flew over the areas of Yarin and Tayr Harfa.

Attacks on the ground

On 20 June 2008 between 0125 and 0215 hours, enemy Israeli forces at the Radar outpost in the occupied Shab'a farmlands fired six flare shells.

On 23 June 2008 at 2345 hours, the Israeli enemy at their position *gh*77 opposite Alma al-Sha'b directed a searchlight for 10 minutes towards Lebanese territory around the Sixth Brigade Lahlah position south-east of 'Alma al-Sha'b.

On 25 June 2008 at 1340 hours, 12 enemy Israeli troops photographed Lebanese territory from their observation tower opposite Ra's Naqurah. They departed at 1430 hours.

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Security Council
Sixty-third year

Identical letters dated 14 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel during the month of June 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.
Deputy Permanent Representative

08-42528 (E) 210708 230708

Annex to the identical letters dated 14 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during June 2008

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of flare shells, dropping of artillery shells, infiltration and crossing of international borders	Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory			
24	27	2	53	2	—	16	—	16	71	97

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Letter dated 15 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter addressed to you from Mr. Isaias Afwerki, President of the State of Eritrea, concerning the acts of destabilization by the United States Administration in the Horn of Africa, which I received today (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Tesfa Alem **Seyoum**
Chargé d'affaires a.i.

08-42403 (E) 170708

Annex to the letter dated 15 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Eritrea to the United Nations addressed to the President of the Security Council

15 July 2008

You will recall the protest lodged by my Government in our previous communications concerning the "new" invasion perpetrated by the Ethiopian regime in Musa Ali. Eritrea did not report the matter at the date that it occurred simply because we could not consider this act in isolation from the bigger picture of Ethiopia's illegal occupation of our sovereign territories for the last six years.

Ethiopia's occupation of Musa Ali should have rung the "alarm bell" to the United Nations Security Council. But we raised the matter only in order to underscore its ramifications in the context of the "Djibouti card" that the US Administration concocted within its now familiar strategy of "compounding and overshadowing a prevailing crisis by fomenting another new crisis".

As we have pointed out repeatedly, the US Administration has misused its leverage in the United Nations Security Council to paralyse implementation of the Eritrea-Ethiopia Boundary Commission and to impede the respect of the rule of law for the last six years. Its numerous attempts to divert attention from the core issue by raising tangential matters have not, also, been fully successful. Nonetheless, its objective of derailing the legal process continues unabated. We are indeed fully aware of the "game plan" that is being contrived, as well as the overt campaign that is already under way, under the rubric of "UNMEE's future mandate". In the event, we wish to stress to the United Nations Security Council, from the outset and in advance, that this transparent ploy will not be acceptable and can only be doomed to failure.

But above all, we wish to reiterate our call to the United Nations Security Council to seriously examine the acts of destabilization that the US Administration is fomenting day in and day out in our region and to seek appropriate remedies to the dangerous trend.

(*Signed*) Isaias **Afwerki**

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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-third year

Identical letters dated 10 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the statements of the Ministry of Foreign Affairs of Georgia regarding the latest incident in the Kodori Gorge of Abkhazia, Georgia, and the violation of the airspace of Georgia by the military aircraft of the Russian Federation in the Tskhinvali region of Georgia (see annexes).

I should be grateful if the present letter and its annexes were circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

I have the honour to inform you that the radar data on the violation of the airspace of Georgia by the military aircraft of the Russian Federation in the Tskhinvali region is available on the following links: ftp://ftp.mfa.gov.ge/maxata/maxata.wmv and http://rapidshare.com/files/128382378/maxata.wmv.html.

(*Signed*) Irakli **Chikovani**
Chargé d'affaires a.i.

08-42480 (E) 170708

Annex I to the identical letters dated 10 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

10 July 2008

On 9 July 2008, in the Kodori Gorge, an unidentified armed gang attacked a unit of policemen of the Ministry of Internal Affairs of Georgia patrolling the area in the direction of the villages of Deluki, Achamkhara and Kvabchara. As a result three Georgian policemen were wounded, one of them severely. Along with the Georgian side, UNOMIG is actively involved in an ongoing investigation process. The patrolling conducted by Georgian policemen aimed at examining the gorge territory ahead of a planned visit by United Nations monitors. In September 2007, in the Kodori Gorge, Georgian law-enforcement units unarmed an illegal armed gang of separatists, which the Abkhaz side claimed was an anti-terrorist division undergoing training. Today's incident disclosed what was the type and aim of this "anti-terrorist" division.

The same day, in the early hours of 9 July, a Georgian police post came under gunfire attack close to the Shamgona-Akhali Abastumani section of the Abkhaz administrative border. Fortunately, no one was injured.

The Georgian side considers these facts as a logical follow-up to the acts of violence taking place on the territory of Abkhazia, Georgia, in the recent period. It needs to be noted that the separatist regime's armed provocation coincides with a forthcoming visit of the United Nations assessment mission instructed by the Secretary-General to provide a comprehensive assessment of the peacekeeping process in Abkhazia, Georgia.

The separatist regime's systematic armed provocations take place against the background of Georgia's active efforts aimed at implementation of the peace initiatives for conflict resolution, which should serve as a prerequisite to stabilization of the situation and comprehensive settlement of the conflicts.

But it does not seem to come in the interests of separatists who benefit from the Russian Federation's support under cover of the CIS peacekeeping operation. The Ministry of Foreign Affairs of Georgia has on more than one occasion focused the international community's attention on the Russian military build-up in Abkhazia, Georgia, which poses a threat to peace and stability in the region.

The Ministry of Foreign Affairs of Georgia unequivocally condemns any act of violence and calls on the international community to give a due assessment to them. At the same time Georgia reaffirms its readiness to cooperate with all parties concerned for peaceful resolution of the conflicts.

Annex II to the identical letters dated 10 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

10 July 2008

On 9 July 2008 the Ministry of Foreign Affairs of Georgia issued a statement concerning yet another act of aggression committed against Georgia by the Russian Federation — intrusion of four Russian air force aircraft into Georgian airspace above the territory of the Tskhinvali region.

On 10 July the Ministry of Foreign Affairs of the Russian Federation made a comment in which the Russian side officially recognized this act of aggression.

The Ministry of Foreign Affairs of Georgia states that the Russian Federation's cynical annexation of integral parts of the Georgian territory has turned into an undisguised and extremely dangerous military aggression.

It is particularly noteworthy that the Russian side, which has until now obstinately denied responsibility for its own actions, carried out this illegal, irresponsible and destructive act in an absolutely open and undisguised manner. However, failing to break its old "tradition", Russia again levelled accusations against the Georgian side in its previous statement posted on 9 July 2008.

The incident that took place indicates clearly that the Russian Federation has definitely made a decision to disregard the principles of respect for Georgia's sovereignty, territorial integrity, inviolability of borders and non-interference in its internal affairs upheld by the universally recognized norms of international law.

The action committed by the Russian side represents a violation of the Charter of the United Nations (Article 2, paragraph 4) stipulating that all Members of the United Nations should refrain from the threat or use of force against the territorial integrity or political independence of any other State. Furthermore, according to General Assembly resolution 3314 (XXIX) of 1974, on the Definition of Aggression, Russia committed an act of aggression by carrying out a military incursion into the territory of Georgia.

Undoubtedly, no State has the discretion to undertake forceful actions on the territory of any other State and there is no legal or political justification whatsoever for such actions whether motivated by "preventive" or other purposes.

The Ministry of Foreign Affairs of Georgia emphasizes that the act of open aggression committed by the Russian Federation poses a direct threat to peace and security not only in Georgia and the South Caucasus but also in the Caucasus region as a whole.

Moreover, such actions of the Russian Federation derail the processes aimed at peaceful resolution of the conflicts in Georgia. Against this background, the international community can already have no doubts about the ineffectiveness of the established peace formats and the necessity of their immediate revision.

The Ministry of Foreign Affairs of Georgia states that the Georgian side will employ all political, diplomatic and legal instruments at its disposal to lead the international community to give an adequate assessment to the Russian side's military aggression directed against Georgia. It is also obvious that the international community's firm and unequivocal position will be of paramount importance in terms of avoiding recurrence of such dangerous and deliberate provocations in the future.

The Ministry of Foreign Affairs of Georgia states that Georgia, despite Russia's aggressive steps, will do all in its power to achieve progress in the peaceful settlement process and restoration of Georgia's territorial integrity.